

# **“On the Same Side”:**

## ***Exploring Procedural Justice Elements in New Haven’s Support Court***

By: Anna Baron

Adviser: Vesla Weaver

Undergraduate Senior Thesis

Department of Political Science at Yale University

April 22, 2016

## Acknowledgments

This thesis would not be possible without my adviser, Vesla Weaver. Thank you so much for your encouragement and enthusiasm about my project from its earliest stages through its completion. Even though you had a busy sabbatical year, traveling to various cities to conduct your own research, you were incredibly invested in my success and very generous with your time. Your course on the race and politics of punishment also provided me with a crucial background understanding of problems in our criminal justice system. And of course, your own commitment to your research, and the fascinating questions you explore, inspire me as I begin to pursue my own.

My project, and my research skills, developed immensely with the help of Greg Huber—the senior colloquium professor in the Political Science department. Thank you for giving individual attention to all of our projects in their various stages, and for guiding me even after the course was finished.

I am incredibly grateful to the Support Court participants and criminal justice officials for their openness and willingness to discuss their experiences. I am particularly thankful to the federal judge in charge of the program for taking interest in my project from the moment I proposed it, and for facilitating it in a variety of ways. If she had not allowed me to interview participants or observe the otherwise private team meetings, I would not have been able to do this research.

Many others have helped me think through my research questions and research design, and have supported me in these endeavors. To name a few, I am so grateful to Hope Metcalf, Soo-Ryun Kwon, Drew Rubin, Blaine Hudson, and the Political Science Department at Yale. I am also very thankful to the Mellon forum program at Branford College, and benefited greatly from the feedback I received during my presentation. I would also like to express my deep gratitude to the members of my Political Science senior colloquium—I was inspired by your innovative approaches, your academic drive, and your investment in improving my work.

In some key ways, I have received the most help and encouragement from my family and friends. Often without a background in my topic, they listened attentively to my excitement and expressed interest in learning more. Ross Boltyanskiy, thank you so much for challenging my views and helping me grow, while always remaining extremely caring and supportive. To my parents, Dmitry and Tatiana Baron, thank you so much for being the ultimate examples of hard work and perseverance, and for giving me all the possible opportunities to learn. To my grandparents and great grandmother—Elena Perelman, Mikhail Perelman, Valentina Baron, Maria Feygina—you have been so encouraging in all of my pursuits, giving me much more credit than I ever deserve. And I am ever grateful to my lovely siblings: Philippe, you have constantly stimulated me with your intellect, and Alexandra and Victor, you have continuously revived me with your energy.

I owe any academic accomplishments to my family's endless love.

One of the most important lessons that I learned from my conversations with Support Court participants is that having a strong support network helps us lead successful, happy lives—I am extremely grateful for mine.

## **Abstract**

*There exists a substantial body of literature evaluating drug courts and applying procedural justice theory to specific drug courts. Yet, most of this research focuses on state drug courts while largely ignoring federal ones, and takes for granted the inconsistency between different drug court programs. In this paper, I contribute to this body of literature by providing a window into one federal drug court program—New Haven’s Support Court— through first-hand observations, as well as through interviews of participants and criminal justice officials. How successful are federal drug courts as criminal justice interventions? To what extent do they grant a unique benefit to their participants? I find that alternative, positive interactions in Support Court tend to shift the relationship between ex-offenders and criminal justice professionals. Specifically, using the lens of procedural justice theory, I find that participation in Support Court corresponds to ex-offenders’ increased trust in criminal justice officials and the law. Further, participating in Support Court as a team member tends to increase criminal justice officials’ compassion towards non-violent drug offenders. In light of these attitude changes in Support Court, perhaps drug court programs across the country should aim to foster personal relationships between participants and criminal justice officials.*

## 1. Introduction

“I self-medicated to kill the pain, which grew into a really bad habit,” Manuel<sup>1</sup> tells me. He dropped out of school in seventh grade, packed up his bags, and moved to Florida with his friends—he wanted to see the world. He was already using drugs as he went from state to state doing construction work. Manuel felt he had regained control of his life when he participated in a drug rehabilitation program over the course of about ten years. During that time, he was with his significant other, and they kept each other accountable to living a sober life. But when she passed away, he began using drugs again. He found himself homeless, living out of a pickup truck, practically starving. In light of this pain and hardship, he increasingly turned to drugs. At that point, probation picked him up, “the feds” got involved, and he got sent away to prison.

In the process of being sentenced to prison, many people like Manuel experience the burdens of our justice system. In that trial process, they must reappear in front of the judge countless times. The resulting lost days of work and the travel costs can increase their financial strain. Many of their court appearances may be delayed due to record requests and simple mistakes. And once the court proceedings do finally occur, their defense attorney mostly speaks for them, presenting their story to the judge, responding to the prosecutor. People like Manuel probably sit nervously, silently. Then, they are convicted. With the mandatory sentencing laws in effect, the judge has to give them a certain minimum time in prison. The goal is to punish them according to their crime, yet they have little voice in the process.

In Manuel’s case, once he gets out of prison, his probation officer suggests that he joins the local drug court, which would take time off of his supervised release. Manuel decides to try it, and steps foot back into a courtroom much like the one that sent him away to prison. He

---

<sup>1</sup> This is not his real name, in order to preserve confidentiality.

comes back each week to this courtroom to interact with a judge, a prosecutor, and a defense attorney, among other officials. He also regularly meets with his probation officer and is tested for drug use. Despite these aspects, which may seem similar to the traditional justice system that he is used to, he soon finds that rather than punishment, the goal of this court is to rehabilitate, to treat his drug addiction, to give him individualized support. He feels how the program's process gives him a voice, grants him participation, and it responds to his personal needs. How does his experience in this alternative system differ from the one he had in the court that sentenced him? Does this program matter for his perceptions of criminal justice officials and for his trust in the traditional justice system? If so, what can scholars and policymakers learn from it?

### ***Motivations***

Manuel's experience, and that of people like him, highlights many important issues in our traditional criminal justice system. For one, this system and its institutions continuously diminish and distort the lives of people navigating them. Our courtrooms deny criminal defendants a voice in decisions that transform their lives and the lives of their families. In court rooms, in prisons, and in the steps in between, people experience unjust, dehumanizing treatment.

People who are confined to this traditional justice system often experience it as impersonal and unjust at least in part because this system is overburdened with cases, far beyond its capacity. In fact, the United States leads the world with its prison and jail population of 2.2 million—a 500% increase over the last thirty years.<sup>2</sup> Amnesty International reports that while the

---

<sup>2</sup> "The Sentencing Project News - Incarceration," accessed April 20, 2016, <http://www.sentencingproject.org/template/page.cfm?id=107>.

United States amounts to only 5% of the world's population, it accounts for almost 22% of the world's prison population.<sup>3</sup>

This vast, overburdened system further functions as a 'revolving door,' in that once people are arrested, they are extremely likely to be re-arrested. According to 2005 Bureau of Justice studies of over 400,000 prisoners, 76.6% were re-arrested within five years of release. Of these rearrested offenders, more than half (56.7 %) were arrested within the first year of release. Out of the drug offenders, 76.9% were rearrested.<sup>4</sup> Such high recidivism is not only incredibly costly and inefficient, but also reflects the extent to which our criminal justice system is not achieving its goals of deterrence and reform.

The Department of Justice identified that the top underlying causes of such recidivism are drug abuse problems, unemployment, and the lack of basic needs like housing.<sup>5</sup> Such risk factors are often exacerbated by previous engagement with the criminal justice system, as offenders face continuous collateral consequences. With their criminal histories, they face severe difficulties finding a job, securing a home, obtaining student loans, and are denied full participation in civic life.<sup>6</sup> Those offenders with drug abuse problems are further challenged by the need to obtain treatment for their addictions, without which they are more likely to relapse and return to crime

---

<sup>3</sup> "Mass Incarceration in the USA," *Amnesty International USA*, accessed April 20, 2016, <http://www.amnestyusa.org/our-work/issues/military-police-and-arms/police-and-human-rights/mass-incarceration-in-the-usa>.

<sup>4</sup> "Recidivism," *National Institute of Justice*, accessed April 15, 2016, <http://www.nij.gov/topics/corrections/recidivism/pages/welcome.aspx>.

<sup>5</sup> "Recidivism of Offenders on Federal Community Supervision": A Report Prepared for the Bureau of Justice Statistics and Office of Probation and Pretrial Services, *Abt Associates Inc.*, accessed April 15, 2016, <https://www.ncjrs.gov/pdffiles1/bjs/grants/241018.pdf>.

<sup>6</sup> "Beyond the Sentence - Understanding Collateral Consequences," *National Institute of Justice*, accessed April 6, 2016, <http://www.nij.gov/journals/272/pages/collateral-consequences.aspx>.

to support their habits.<sup>7</sup> About half of our federal offenders in the United States are in prison for drug-related offenses,<sup>8</sup> and will face such challenges upon their release back into the community.

In writing this paper and conducting this research, I am thus motivated by these pervasive issues in our criminal justice system, as well as the unique challenges that drug offenders face.

The denigrating ways in which people experience our traditional justice system, and the particular difficulties of re-entry after such experiences raise the question of whether drug courts provide a beneficial alternative model. If so, which mechanisms may be crucial to its success? How do participants and criminal justice officials experience one such drug court in New Haven, known as Support Court? Given the distinctive client-centered elements of drug court programs, does participation in such a program tend to increase ex-offenders' trust in the law and enhance criminal justice officials' compassion for drug offenders? My central argument in this paper is that Support Court builds personal relationships between criminal justice officials and drug offenders, which may be crucial to attitude and behavioral changes in both parties. In making this argument, I primarily evaluate the Support Court experience and its potential impact through the lens of procedural justice theory, which I will elaborate on below.

### *Paper Structure*

The remainder of my paper will proceed as follows. In the second section, I will review the existing scholarship on procedural justice theory and drug courts. In the third section, I will explain my research design, including my research questions, hypotheses, and methodology. In the fourth section, I will provide background on Support Court, and describe my firsthand observations of its team planning meetings as well as the drug court sessions. In my fifth section,

---

<sup>7</sup> National Institute on Drug Abuse, "Drug Addiction Treatment in the Criminal Justice System," April 27, 2014, <https://www.drugabuse.gov/related-topics/criminal-justice/drug-addiction-treatment-in-criminal-justice-system>.

<sup>8</sup> Aamna Mohdin, "Norway Tries a Novel Tactic for Drug Addicts—rehab instead of Jail," *Quartz*, accessed April 6, 2016, <http://qz.com/617212/norway-tries-a-novel-tactic-for-drug-addicts-rehab-instead-of-jail/>.

I will present my results from my interviews with Support Court participants and criminal justice officials. In my sixth section, I will discuss my findings, and will comment on the limitations of my study as well as suggest future research directions. In my seventh and final section, I will conclude by considering the implications of my research.

## **2. Literature Review**

### ***Traditional Encounters with the Criminal Justice System***

“The real punishment for many people is the pretrial process itself,” law professor Malcolm Feeley argues.<sup>9</sup> Scholars like him characterize traditional encounters at various stages of the criminal justice system as burdensome and unfair. Even without entering prison, the procedural hassle of misdemeanor justice can be felt as a form of punishment and unfair social control. The processing of misdemeanors begins with an arrest and punitive custody. Those whose cases continue past arraignment are required to appear in court again and again, continuously placed before judicial authority. With these constant court visits, most defendants face ongoing financial strain from attorney’s fees, missed work, transportation costs, and child care.<sup>10</sup> As their cases are pending, most defendants live in their communities, but their daily routine is disrupted by the security rituals of entering the court building as well as by the long waits in policed courtrooms. Yale law scholar, Isa Kohler-Hausmann, suggests that these costly government intrusions into defendant lives “cumulatively signify and materialize their denigrated status ... [as] people at once legally free and palpably bound.”<sup>11</sup> Thus, without even being

---

<sup>9</sup> Malcolm Feeley, *The Process Is the Punishment: Handling Cases in a Lower Criminal Court*. (New York: Russell Sage Foundation, 1979), 241

<sup>10</sup> Issa Kohler-Hausmann, "Misdemeanor Justice: Control without Conviction," *American Journal of Sociology* 119, no. 2 (2013): 691.

<sup>11</sup> *Ibid.*, 387



convicted or imprisoned, people often experience the burdensome control of the traditional criminal justice system.

Once a person is convicted, opportunities to experience the controlling nature of the criminal justice system only increase. For one, the rigidity of mandatory minimums leads judges to impose heavy sentences, leaving little room for considering individual circumstances. As one scholar argues, “By lumping all drug offenders together...to be locked up and uniformly punished according to some arbitrary weight-based sentencing criteria, Congress has created an unjust system that fails to take the ‘whole person into account.’”<sup>12</sup> To avoid mandatory minimums, defendants can either go to trial hoping to be acquitted, or they can plead guilty.<sup>13</sup> In the plea bargaining system, many federal prosecutors coerce defendants by offering them shorter prison terms if they plead guilty, and threatening them with excessively severe sentences if they choose to go to trial and are then found guilty.<sup>14</sup> As such an offer is hard to refuse, it results in only 3% percent of federal drug defendants actually going to trial.<sup>15</sup> Essentially, in threatening higher sentences, scholars suggest that prosecutors presume guilt<sup>16</sup> and “make defendants pay for exercising their right to trial.”<sup>17</sup> This decision to accept a plea bargain rather than submit to adversarial court procedures reflects that defendants are unwilling to engage further with legal processes, and suggests that they perceive the traditional court system as unjust.

---

<sup>12</sup> Danielle Snyder, “One Size Does Not Fit All: A Look at the Disproportionate Effects Of Federal Mandatory Minimum Drug Sentences On Racial Minorities And How They Have Contributed To The Degradation Of The Underprivileged African-American Family,” *Hamline University's School of Law's Journal of Public Law and Policy* 36, no. 1 (2015): 79-80

<sup>13</sup> Jamie Fellner, “An Offer You Can’t Refuse: How U.S. Federal Prosecutors Force Drug Defendants to Plead Guilty,” *Federal Sentencing Reporter* 26, no. 4 (2014): 277.

<sup>14</sup> *Ibid.*, 276

<sup>15</sup> *Ibid.*, 276

<sup>16</sup> Paul D. Butler, “Poor People Lose: Gideon and the Critique of Rights,” *The Yale Law Journal* 122, no. 2176 (2013): 2184

<sup>17</sup> Fellner, 276

These tedious encounters with the courts are also marked by the lack of coordination between criminal justice officials, and the lack of voice for the offender. In a typical courtroom, “lawyers speak on behalf of their clients, and client and judge rarely speak.”<sup>18</sup> The defense attorney intervenes between prosecutor and offender,<sup>19</sup> while the judge acts as a “dispassionate judicial officer,”<sup>20</sup> maintaining decorum in the courtroom. Once a person is sentenced, these actors rarely communicate again about that individual. Upon release from prison, probation officers take over the management of offenders,<sup>21</sup> only referring individuals back to the judge if they violate the terms of their supervised release.

### ***Drug Courts Background***

Drug courts were first created in response to these inefficiencies in the traditional criminal justice system, and its inability to handle the overwhelming number of drug cases.<sup>22</sup> The first drug court was established in 1989 in Miami, Florida by Florida State Attorney Janet Reno and Associate Chief Judge Herbert Klein, who were charged with coming up with an alternative approach to drug sentencing.<sup>23</sup> At the time, *The New York Times* reported a 270% increase in federal drug cases from 1980 to 1989.<sup>24</sup> Drug use and abuse had become the leading social issue of public concern in the 1980s, and President Ronald Reagan urged for a “nationwide crusade against drugs, a sustained, relentless effort to rid America of this scourge.”<sup>25</sup> In 1986, Reagan’s

---

<sup>18</sup> Manuel L. Nolan, *Reinventing Justice: The American Drug Court Movement*, Princeton Studies in Cultural Sociology (Princeton, N.J: Princeton University Press, 2001), 75

<sup>19</sup> *Ibid.*, 76

<sup>20</sup> *Ibid.*, 85

<sup>21</sup> *Ibid.*, 84

<sup>22</sup> Denise C. Gottfredson, B. W. Kearley, S. S. Najaka, and C. M. Rocha. “How Drug Treatment Courts Work: An Analysis of Mediators.” *Journal of Research in Crime and Delinquency* 44, no.1 (2007): 3

<sup>23</sup> Nolan, 39

<sup>24</sup> Richard L. Berke, “Surging Criminal Cases Jam Federal Court System,” *The New York Times*, September 26, 1989, sec. U.S., <http://www.nytimes.com/1989/09/26/us/surging-criminal-cases-jam-federal-court-system.html>.

<sup>25</sup> “The American Drug Panic of the 1980s,” accessed April 15, 2016, <http://www.druglibrary.org/special/goode/drugpanic.htm>.

House of Representatives passed a law for stricter drug enforcement, longer federal sentences, and more funding for drug treatment programs. In this context, an alternative approach sought to address limited prison space, overcrowded court calendars, high incarceration costs, and the high recidivism rates among drug offenders.<sup>26</sup> Coming out of the punitive anti-drug culture of the 1980s, drug courts were originally embraced as a more coercive way to handle drug offenders who were clogging up courts and prisons. The language of early government documents and scholarly articles treats drug offenders as people who avoid responsibility and need to be helped through government control. As one presenter at a 2000 Congressional hearing on drug courts phrased it, “We decided to try a coercive form of rehabilitation.”<sup>27</sup>

With those motivations, the Miami drug court model integrated drug treatment services into the judicial system, focusing on rehabilitating the drug offender. This original model has led to the development of hundreds of drug courts across the country, and even to a few in other parts of the world. By 2003, more than 800 similar courts had been formed at the state-level across all fifty states, the District of Columbia, Guam, and Puerto Rico, with more than 140,000 total individuals enrolled.<sup>28</sup> Such a rapid expansion of drug courts has been supported by federal government funding and research efforts.<sup>29</sup> In the drug court movement’s formative years, the Justice Department provided more than 80 million dollars and technical resources,<sup>30</sup> and opened a Drug Courts Program Office to coordinate grants for existing and emerging drug courts.<sup>31</sup> In

---

<sup>26</sup> Nolan, 45

<sup>27</sup> Drug Treatment Options for the Justice System, Congressional Hearing, April 4, 2000, 32

<sup>28</sup> Nolan, 39

<sup>29</sup> Corey Shdaimah, “Taking a Stand in a Not-so-Perfect World: What’s a Critical Supporter of Problem-Solving Courts to Do?” *University of Maryland Law Journal of Race, Religion, Gender & Class* 10, (2010): 89.

<sup>30</sup> Richard Boldt, and Jana Singer, “Juristocracy in the Trenches: Problem-solving Judges and Therapeutic Jurisprudence in Drug Treatment Courts and Unified Family Courts.” *Maryland Law Review* 65, no. 1 (2006): 89

<sup>31</sup> Nolan, 42

1994, criminal justice officials founded the National Association of Drug Court Professionals (NADCP) to provide further national support and leadership.<sup>32</sup>

The success of these state drug courts helped the drug court model spread to the federal-level.<sup>33</sup> As federal drug courts are a relatively new phenomenon, programs have only been implemented in California, Connecticut, Illinois, New Hampshire, New York, South Carolina, Virginia, and Washington, with about 400 defendants participating nationwide.<sup>34</sup> These federal drug courts have been encouraged by the Obama administration, as part of its effort to reform the criminal justice system.<sup>35</sup> The original rhetoric of drug courts as a new coercive method to deal with offenders has evolved in today's political climate to a focus on drug courts as a more humane alternative to mass incarceration. Federal drug courts are now seen by many as "an effort intended to sidestep drug laws widely seen as inflexible and overly punitive."<sup>36</sup> This attitude shift has also led to a change in federal support. While a few years ago the Department of Justice declared in a report to Congress that drug courts were more appropriate in state courts because federal offenders were more violent, under Attorney General Eric Holder, the federal government has greatly supported federal drug courts.<sup>37</sup> For instance, Obama signed into law the Fiscal Year 2015 Omnibus Appropriations Bill on December 16, 2014, granting \$97.4 million dollars in funding for veteran, DUI, and drug courts.<sup>38</sup>

---

<sup>32</sup> Ibid., 39

<sup>33</sup> Mosi Secret, "U.S. Judges Offer Addicts a Way to Avoid Prison - The New York Times," accessed April 15, 2016, [http://www.nytimes.com/2013/03/02/nyregion/us-judges-offer-addicts-a-way-to-avoid-prison.html?pagewanted=all&\\_r=3](http://www.nytimes.com/2013/03/02/nyregion/us-judges-offer-addicts-a-way-to-avoid-prison.html?pagewanted=all&_r=3).

<sup>34</sup> Ibid.

<sup>35</sup> Ibid.

<sup>36</sup> Ibid.

<sup>37</sup> Lucy Nalpathanchil, "Instead of Jail, Judges Take More Hands-On Role with Addicts in Connecticut," accessed April 15, 2016, <http://wnpr.org/post/instead-jail-judges-take-more-hands-role-addicts-connecticut>.

<sup>38</sup> Consolidated and Further Continuing Appropriations Act, 2015, §§ 113-235 (2014): 2192, 2345; "Drug Courts Receive 'Historic' Level of Federal Funding | Chicago War on Drugs," accessed April 15, 2016, <http://chicagodrugwar.info/2014/12/drug-courts-receive-historic-level-federal-funding/>.

As an alternative to the traditional adjudication process, a drug court offers drug offenders court-monitored treatment, with the court as the “main focal point” of the treatment process.<sup>39</sup> Drug courts share ten fundamental features, as outlined by the Department of Justice and NADCP:

- “1. Integrate alcohol and other drug treatment services with justice system case processing
2. Using a non-adversarial approach, prosecution and defense counsel promote public safety while protecting participants’ due process rights
3. Eligible participants identified early and promptly placed in program
4. Access to a continuum of alcohol, drug, and other related treatment and rehab services
5. Abstinence is monitored by frequent alcohol and other drug testing
6. Coordinated strategy governs responses to participants’ compliance
7. Ongoing judicial interaction with each participant
8. Monitoring and evaluation of program goals and effectiveness
9. Continuing interdisciplinary education for drug court planning, implementation, and operations
10. Forging partnerships among drug courts, public agencies, and community-based organizations for local support and to enhance effectiveness”<sup>40</sup>

Because federal funding is tied to a plan which incorporates these elements, most drug courts utilize all of these components.<sup>41</sup>

Many drug courts share features beyond these incentivized ones. For one, most drug courts use multiple treatment methods, including but not limited to acupuncture, individual and group counseling, and Alcoholics Anonymous and Narcotics Anonymous 12-step programs.<sup>42</sup> Most programs are also designed to last one year, broken up into three or four phases, though they usually taking longer to complete.<sup>43</sup> Drug courts also usually incorporate incentives, with successful completion of most programs being tied to the dismissal of the criminal charge or the

---

<sup>39</sup> Nolan, 39

<sup>40</sup> Drug Courts: An Effective Strategy for Communities Facing Methamphetamine, 14; Excerpted from “Defining Drug Courts: The Key Components,” published by Bureau of Justice Assistance

<sup>41</sup> The Rebirth of Rehabilitation: Promise and Perils of Drug Courts. Sentencing and Corrections, 2000, 3

<sup>42</sup> Nolan, 40

<sup>43</sup> Nolan, 40

expungement of the drug arrest.<sup>44</sup> Graduating to the next phase often brings praise, applause, and prizes like t-shirts, key chains, donuts, etc.<sup>45</sup> Graduation ceremonies typically involve big celebrations with “cake, speeches, certificates, individual testimonies by graduates, and visits from politicians or local dignitaries.”<sup>46</sup> Alongside this incentives structure, there is also a sanctions process in most drug courts. Failure to comply with treatment often results in community service, greater involvement with treatment services, a few days in the jury box during drug court meetings, or several days or weeks in county jail.<sup>47</sup> Total program failure, expressed through a participant abandoning the program, could call for a minimum week-long period of incarceration.<sup>48</sup> Most drug courts also target a similar population: those in their early thirties with lengthy substance abuse histories, having used drugs for an average of ten to fifteen years,<sup>49</sup> and those who committed non-violent offenses.<sup>50</sup> A survey by American University Clearinghouse found that only 26% of drug court participants had previously received treatment from a substance abuse program, though 72% had previously been in jail or prison.<sup>51</sup>

Drug courts uniquely aim at rehabilitation and individual improvement, rather than the traditional court aim of punishment. This framework creates a new relationship between drug treatment systems and judicial officials, and grounds this relationship in the jurisdiction of the criminal court.<sup>52</sup> In drug courts, the judge interacts with the offender directly, acting like a “proactive therapist” by asking personal questions and giving encouragement about treatment.

---

<sup>44</sup> Ibid.

<sup>45</sup> Ibid.

<sup>46</sup> Ibid.

<sup>47</sup> Ibid.

<sup>48</sup> Drug Treatment Options for the Justice System, Congressional Hearing, April 4, 2000, 22

<sup>49</sup> Ibid., 48

<sup>50</sup> Nolan, 41

<sup>51</sup> Drug Treatment Options for the Justice System, Congressional Hearing, April 4, 2000, 48

<sup>52</sup> John S. Goldkamp, M. D. White, and J. B. Robinson. "Do Drug Courts Work? Getting inside the Drug Court Black Box." *Journal of Drug Issues* 31.1 (2001): 29

Participants are invited to speak candidly about their substance use, families, financial situations, bringing up their feelings, thoughts, attitudes, and beliefs.<sup>53</sup> The role of attorneys is also substantially different, with lawyers being “virtually silent” while clients and judge engage in long discussions.<sup>54</sup>

These new roles for criminal justice officials are enhanced by way in which these actors work together, and this team approach is key to the drug court model. “To effectively create a courtroom atmosphere that is rehabilitative, the judge, prosecutor, public defender, treatment providers, and others must work as a team to promote rehabilitation.”<sup>55</sup> The defense attorney and prosecutor must be collaborative to this end, with the defense not interfering between the prosecutor and the participant, and the prosecutor adopting a “conciliatory position.”<sup>56</sup> Probation officers also need to cede their control over offender management to treatment providers.<sup>57</sup> Treatment providers, in turn, take charge of weekly urinalysis testing and the various treatment methods, as well as assist clients with educational and job pursuits. The treatment providers frequently update the judge on participants’ performance.<sup>58</sup> Crucially, this same group of people work with each other and the offender throughout the whole program, “promoting personal responsibility and commitment to the offender’s progress.”<sup>59</sup>

Despite this general drug court framework based on the Miami model, drug courts do not follow a rigid set of criteria, and many have their own unique features “depending on funding, the level of community support, personnel, and other contingencies.”<sup>60</sup> One important difference

---

<sup>53</sup> Nolan, 85

<sup>54</sup> Ibid., 75

<sup>55</sup> Ibid., 76

<sup>56</sup> Ibid.

<sup>57</sup> Ibid., 84

<sup>58</sup> Ibid., 86

<sup>59</sup> Drug Treatment Options for the Justice System, Congressional Hearing, April 4, 2000, 24

<sup>60</sup> Nolan, 40

is eligibility criteria. A 1997 Justice Department survey of 93 drug courts found that 12% allow only defendants without a criminal record, 26% allow defendants with three or fewer prior offenses, and 57% allow any number of prior offenses, as long as other criteria is met.<sup>61</sup> Another significant difference is the point in the criminal justice system at which the client is first admitted to the program.<sup>62</sup> The survey found that 30% of drug courts accepted defendants before trial/plea, like the first Miami program, and that these programs often accept “light, first offenders.”<sup>63</sup> 16% of programs were pretrial/post-plea, meaning defendants entered a plea, usually pleading “guilty,” and were then assigned to drug court, and these are usually more serious offenders.<sup>64</sup> 12% of drug courts were post-conviction, as a condition of probation, and the other 42% used some combination of the above three, depending on the charge, the defendant’s criminal history, and other factors.<sup>65</sup>

In the early evaluations of drug court programs, the Bureau of Justice Assistance looked to the “added accountability from the court, probation, and law enforcement” as “central” to treating drug-involved offenders.<sup>66</sup> Further, it emphasized the “immediacy of sanctions for noncompliance,” and the repetitive reinforcement of encouraged behaviors and requirements.<sup>67</sup> A Congressional hearing in 2000 praised drug courts for enhancing “the coordination of agencies and resources,”<sup>68</sup> and urged drug courts to be “reality-based,” acknowledging the realities of drug abuse.<sup>69</sup> The hope of drug court supporters generally has been that the judge’s symbolic and authoritative role, combined with the team’s investment in human potential, will instill a new

---

<sup>61</sup> Ibid., 41

<sup>62</sup> Ibid.

<sup>63</sup> Drug Treatment Options for the Justice System, Congressional Hearing, April 4, 2000, 41-2

<sup>64</sup> Ibid., 42

<sup>65</sup> Nolan, 41

<sup>66</sup> Drug Courts: An Effective Strategy for Communities Facing Methamphetamine, 3

<sup>67</sup> Ibid.

<sup>68</sup> Drug Treatment Options for the Justice System, Congressional Hearing, April 4, 2000, 11

<sup>69</sup> Ibid., 19-21



level of accountability into rehabilitation efforts.<sup>70</sup> These motivational elements, combined with concrete employment and health services, are expected to reduce substance abuse and crime, and help ex-offenders reintegrate into the community.<sup>71</sup>

Follow-up studies of specific drug courts, and large comparative evaluations across multiple programs, suggest that the drug court intervention has achieved many of its goals. For one, many drug court programs have been found to generate savings—one economic study in California determined that over the long-term, their drug courts save an average of \$11,000 per participant.<sup>72</sup> One review of 30 evaluations of 24 drug courts across the country has similarly found that in the short-term, such drug court savings occur due to lessened jail and prison use, and diminished criminality.<sup>73</sup> Further, this same review found that participants' criminal behavior and drug use are reduced during their involvement in the program.<sup>74</sup> In terms of recidivism after the programs' completion, one study of Baltimore's drug court program has found that participants had significantly lower rates of re-arrest than those who did not participate.<sup>75</sup> The drug court program in Miami saw rearrests reduced by 33% for drug court graduates compared with those offenders who did not participate in a drug court.<sup>76</sup> Research has found that even offenders who are not successful in a drug court program seem less criminally active than they were previously.<sup>77</sup> According to a report by the National Drug Court Institute, four independent studies have determined that drug courts "significantly reduce crime rates an

---

<sup>70</sup> Goldkamp, et al, 29; Gottfredson, 3

<sup>71</sup> Gottfredson, 4

<sup>72</sup> C. West Huddleston III, Douglas B. Marlowe, and Rachel Casebolt. "A National Report Card On Drug Courts and Other Problem-Solving Court Programs in the United States." (2008): 8.

<sup>73</sup> Steven Belenko. "Research on Drug Courts: A Critical Review." National Drug Court Institute Review 1, no. 1 (1998): 21.

<sup>74</sup> Steven Belenko. "Research on Drug Courts: A Critical Review." National Drug Court Institute Review 1, no. 1 (1998): 21.

<sup>75</sup> Ibid., 6

<sup>76</sup> National Institute of Justice. "Drug Courts and the Role of Graduated Sanctions," 1998.

<sup>77</sup> The Rebirth of Rehabilitation: Promise and Perils of Drug Courts. Sentencing and Corrections, 2000, 5

average of approximately 7 to 14 percentage points.”<sup>78</sup> Other studies have found that participant success after drug court programs consists in far more than reduced criminal and drug activity. One national study of 23 adult drug courts used self-report data and saliva drug tests to conclude that drug court participants were significantly less criminally active, used drugs and alcohol significantly less, and reported significantly improved family relationships, employment outcomes, and annual incomes when interviewed six and eighteen-months after completing the program.<sup>79</sup>

### ***Procedural Justice Theory***

Procedural justice theory has been an increasingly used as a framework through which to evaluate our criminal justice system. It posits that if people are treated unfairly, “legitimacy suffers and people become cynical about human nature and legal systems of justice. This then leads them to view certain laws and social norms as not personally binding.”<sup>80</sup> Todd Clear and Dina Rose theorize that mass imprisonment causes the justice system to be viewed negatively, reinforcing communities' civic isolation and fostering a strong distrust of formal sanctions.<sup>81</sup> Repeatedly removing key members of social networks may also contribute to a weakened legitimacy of the law in the eyes of the community, if these removals are viewed as unfair.<sup>82</sup> This “erosion of trust” gives people less stake in law-abiding behavior and thus, they feel less obligated to obey the law.<sup>83</sup>

---

<sup>78</sup> C. West Huddleston III, Douglas B. Marlowe, and Rachel Casebolt. "A National Report Card On Drug Courts and Other Problem-Solving Court Programs in the United States." (2008): 6.

<sup>79</sup> Douglas B. Marlowe, “Research Update on Adult Drug Courts.” *National Association of Drug Court Professionals* (2010).

<sup>80</sup> Mike Hough, J. Jackson, B. Bradford, A. Myhill, and P. Quinton. "Procedural Justice, Trust, and Institutional Legitimacy." *Policing* 4.3 (2010): 5

<sup>81</sup> Dorothy E. Roberts, "The Social and Moral Cost of Mass Incarceration in African American Communities." *Stanford Law Review* 56, no. 1271 (2004): 1294-5.

<sup>82</sup> Todd R. Clear, “The Effects of High Imprisonment Rates on Communities.” *Crime and Justice* 37.1 (2008): 107.

<sup>83</sup> Roberts, 1287

However, the reverse is also true—positive perceptions of judicial procedures can heighten one’s sense of obligation to the law. Tyler’s work on procedural justice shows that public perceptions of the fairness of the U.S. justice system play a greater role in shaping its legitimacy than opinions about effectiveness.<sup>84</sup> When people are treated fairly, they “regard the authorities as having earned an entitlement to command, creating... an obligation to obey.”<sup>85</sup> Tyler discusses several factors that lead a procedure to be viewed as fair: (1) open explanations of decisions from authority, (2) being treated with dignity and respect, (3) understanding why the authorities acted as they did and sharing social bonds with those authorities, (4) participating in a procedure by explaining their situation and communicating their views to the authorities about that situation and how it should be handled.<sup>86</sup> This occurs both when the community makes broad assessments of the courts and when specific members of the community are responding to their personal encounters with judges,<sup>87</sup> though perceptions of fair personal contact with a legal authority have particular potential to increase deference.<sup>88</sup>

### ***Drug Courts and Procedural Justice***

Three case studies of specific drug court programs highlight that procedural justice mechanisms may be central to drug courts, and may increase participant perceptions of legal legitimacy. The first examines how Scottish drug courts influenced perceptions of judicial fairness. Excerpts from Drug Court dialogues showed that a meaningful relationship was forged between Sheriff and offender—the Sheriff expressed interest and concern, and provided advice that the offender responded to and valued.<sup>89</sup> Many participants reported that they discussed their

---

<sup>84</sup> Hough et al, 3

<sup>85</sup> Id., 2

<sup>86</sup> Tom R. Tyler, "Procedural Justice, Legitimacy, and the Effective Rule of Law." *Crime and Justice* 30 (2003): 298-9. *JSTOR*. Web. 03 May 2015.

<sup>87</sup> Ibid., 286

<sup>88</sup> Ibid., 287

<sup>89</sup> Gill McIvor, "Therapeutic Jurisprudence and Procedural Justice in Scottish Drug

problems in confidence with Sheriffs and trusted them to provide appropriate help. One participant explained that while “in a court room you like to hide a few of your feelings... in the [drug court], you can just tell them what you think knowing you are not going to get criticized.”<sup>90</sup> An important aspect of this relationship between the legal authority and the participant was the level of equality and reciprocity, which differs from the rigid hierarchical relationships and power inequities that usually characterize court interactions.<sup>91</sup> Participants emphasized differences between drug court legal officials and sentencers, explaining that the drug court allows “the two of you [to] speak to each other on equal terms, rather than ... looking up at him and saying ‘that guy’s got my fate in his hands.’”<sup>92</sup> Three aspects of procedural justice were particularly noted in the drug court setting. Firstly, participants valued the praise, encouragement and respect offered by Sheriffs. The second feature was the feeling that Sheriffs made a great effort to be fair and to help them remain in treatment. This perception of fairness “appeared to be more important to participants than any sanctions that might be imposed as a result of individual or sustained instances of noncompliance.”<sup>93</sup> Thirdly, participants valued the opportunity to give an account of their progress and explanation of their mistakes, “particularly given their lack of voice and powerlessness in most encounters with legal and other authorities.”<sup>94</sup> These elements of the interactions between offenders and sentences encouraged greater obedience and supported offenders in attempts to curb their drug use.<sup>95</sup> The researchers

---

Courts.” *Criminology and Criminal Justice* 9, no.1 (2009): 40.

<sup>90</sup> Ibid., 40

<sup>91</sup> Ibid., 40

<sup>92</sup> Ibid., 40

<sup>93</sup> McIvor, 43

<sup>94</sup> Ibid., 44

<sup>95</sup> Ibid., 45

explicitly link these positive outcomes to manifestations of procedural justice in the Scottish drug courts.<sup>96</sup>

A second case study, evaluating the District of Columbia's Mental Health Diversion Court (DCMHDC), provides support beyond observational findings for perceptions of procedural justice in drug courts. Through structured interviews, researchers compared all DCMHDC participants to all other mentally ill participants arrested in the same time period who were eligible for but not processed in DCMHDC.<sup>97</sup> Participant responses to forced-choice items demonstrated a higher level of perceived procedural justice than that held by people with mental illness in involuntary hospital settings.<sup>98</sup> These quantitative findings were reinforced by answers to the open-ended questions, in which participants named characteristics of procedural justice, particularly rating their interactions with the judge as most important.<sup>99</sup> Participants also experienced procedural justice through the program's mental health treatment, service provision, and requirements.<sup>100</sup> Consequently, DCMHDC participants held strong beliefs about the role the judge and the drug court program played in providing a sense of fairness and legitimacy.

A third study evaluated experiences in the Baltimore City Drug Treatment Court, finding that reduced drug use and decreased criminal behavior stemmed from increased perceptions of procedural fairness.<sup>101</sup> Researchers interviewed over one hundred participants three years after they were randomly assigned to either treatment or control conditions. They found that crime and drug use levels were significantly lower for drug court participants than for controls.<sup>102</sup> They also

---

<sup>96</sup> Ibid., 47

<sup>97</sup> Heathcote W. Wales, Virginia Aldigé Hiday, and Bradley Ray. "Procedural Justice and the Mental Health Court Judge's Role in Reducing Recidivism." *International Journal of Law and Psychiatry* 33, no. 4 (2010): 270.

<sup>98</sup> Ibid., 270

<sup>99</sup> Ibid., 270

<sup>100</sup> Ibid., 270

<sup>101</sup> Gottfredson et al., 5

<sup>102</sup> Ibid., 20

determined that having more days on probation and attending more judicial hearings increased perceptions of procedural justice.<sup>103</sup> Researchers suggested that “the DTC program, especially the judicial hearings, contributes to an offender’s perceptions of fairness and due process, thereby increasing his or her willingness to fulfill his or her part of the negotiated DTC agreement.”<sup>104</sup>

While these studies are suggestive of an effect of drug courts on procedural justice, they are not conclusive and are limited in their scope. For one, implications of the Scottish drug court study may not apply in the context of the United States. Further, the DCMHDC program’s focus on the mentally ill may not apply to drug courts’ concern for the drug-addicted population. The Baltimore program’s intensive supervision and two-year length may not apply to shorter programs which are more therapeutic in nature. Further, the Baltimore and DCMHDC studies place less emphasis on the value of open-ended responses that reflect participants’ experiences in the programs, and largely ignored the experiences of the criminal justice officials in charge. My study improves on these limitations by focusing deeply on the ways in which both participants and criminal justice officials benefit from a U.S. federal court program for drug-addicted individuals.

### *Criticisms of Drug Courts*

Despite the observed successes of drug courts, and their potential implementation of procedural justice elements, they have faced severe criticism. One of the biggest concerns, raised most often by defense lawyers and civil libertarians, relates to drug courts’ coercive aspects and their frequent intrusion into participants’ lives.<sup>105</sup> Some say that such a prolonged government

---

<sup>103</sup> Ibid., 25

<sup>104</sup> Ibid., 28

<sup>105</sup> Peggy Fulton Hora, William G Schma, and John T. A. Rosenthal. "Therapeutic Jurisprudence

intervention lengthens the time of supervision, and is perhaps even more invasive, in that judges dictate life decisions, mandate drug treatment, and use more frequent urinalysis to monitor compliance. Drug courts involve monthly, weekly, or even daily responsibilities, in-person meetings, training programs, and frequent court appearances,<sup>106</sup> which are often more taxing than probation requirements.<sup>107</sup> The total time commitment of drug courts has been estimated to equal or surpass time spent incarcerated.<sup>108</sup> Failure to comply with these requirements may lead to more serious penalties in drug courts than would be given in a traditional court setting.<sup>109</sup> Critics point out that “for people whose lives may be complicated and chaotic due to a lack of stable housing, health problems, and poverty, it might be less burdensome to just spend some time in jail.”<sup>110</sup> Further, participation in drug courts is not always voluntary,<sup>111</sup> and some participants feel “subtle or direct pressure” to enroll in the drug court due to the consequences of prosecution.<sup>112</sup> In this sense, drug courts have been rejected as an alternate, yet still punitive, version of social control.

The concern about coercion in drug courts also leads critics to worry about the ways in which such programs infringe on participants’ constitutional rights, particularly their right to due process. One legal scholar writes that in drug courts, “The stabilizing influence of judicial neutrality and formal rules of procedure are diminished precisely because the interests of the defendant are now seen as consonant with those of the state.”<sup>113</sup> The judge interacts with

---

and the Drug Treatment Court Movement: Revolutionizing the Criminal Justice System's Response to Drug Abuse and Crime in America." *Notre Dame Law Review* 74, no. 2 (1999): 510

<sup>106</sup> Shdaimah, 98-99

<sup>107</sup> Nolan, 194

<sup>108</sup> *Ibid.*, 197

<sup>109</sup> *Ibid.*, 194

<sup>110</sup> Shdaimah, 98-99

<sup>111</sup> Nolan, 199-200

<sup>112</sup> Drug Treatment Options for the Justice System, Congressional Hearing, April 4, 2000, 47

<sup>113</sup> Boldt, and Singer, 86

participants on a personal level and holds personal stakes in their successes and failures, creating a risk of judicial overreach.<sup>114</sup> Further, some scholars argue that drug courts “forego the presumption of innocence and the panoply of trial rights guaranteed by the Constitution” by neglecting a trial by jury, withholding the right to appeal, and inflicting disparate punishments.<sup>115</sup> These disparities extend to the length of time for which participants remain in the program. Though the program is meant to take one year to complete, people may stay in the program for indeterminate and unequal lengths of time, with one Miami participant remaining in the program for seven years.<sup>116</sup>

A related concern that critics voice is that this potentially coercive, unconstitutional alternative to incarceration involves people in the criminal justice system who might not have been arrested or charged otherwise—a process known as “net widening.”<sup>117</sup> Scholars have also observed that over time, drug courts expand their eligibility requirements and allow more individuals into the program.<sup>118</sup> In doing so, drug courts may be increasing court caseloads rather than diminishing them.<sup>119</sup> For instance, in Denver, Colorado, the number of drug cases grew significantly, from 1,135 cases in 1993 to 3,017 cases in 1996, after drug courts were introduced. According to Judge Morris Hoffman of Denver, the “presence of drug courts causes police to make more arrests and prosecutors to file more ten-and twenty-dollar hand-to-hand drug cases which the system would not have bothered with before.”<sup>120</sup>

---

<sup>114</sup> Ibid., 97

<sup>115</sup> Nolan, 198

<sup>116</sup> Ibid., 196-7

<sup>117</sup> Shdaimah, 99

<sup>118</sup> Nolan, 201

<sup>119</sup> Ibid., 201-202

<sup>120</sup> Ibid., 201-202



Others object to the displacement of the state's social provision role to the criminal justice system. One problem is that such criminal interference into substance abuse may compromise confidentiality, which could interfere with the provision of services and the relationships between social workers and participants.<sup>121</sup> Some also argue that the judiciary should not be charged with promoting lifestyle changes, believing that judicial officials lack the proper training and that such involvement in treatment would take away from the law's goal of delivering justice.<sup>122</sup> The American Friends Service Committee worried that if these programs at once attempt to punish and treat an individual, that might hurt the person "more profoundly and permanently" than to imprison him for a specified time.<sup>123</sup>

Even if criminal justice officials are given control over drug treatment, some scholars worry that there is insufficient treatment capacity and limited personnel to accept all those who may need help. Adequate treatment becomes less accessible as the type and number of drug court participants grows, especially due to the tendency to manage with the same amount of resources as when numbers were smaller.<sup>124</sup> Also, though judges are integral to the drug court model, many judges are overworked. If they quit their drug court position, it can be challenging to find an appropriately enthusiastic replacement.<sup>125</sup> Due to the individual attention inherent to the drug court model, there is also a limit to the number of cases any one court should accept.<sup>126</sup>

With these purported limitations on drug court personnel and participants, some are concerned that drug courts are discriminatory in their admission process. As drug court eligibility requirements expand, less acquiescent groups may participate, which would decrease graduation

---

<sup>121</sup> Shdaimah, 99

<sup>122</sup> Nolan, 195

<sup>123</sup> Ibid., 194

<sup>124</sup> The Rebirth of Rehabilitation: Promise and Perils of Drug Courts. Sentencing and Corrections, 2000, 5

<sup>125</sup> Ibid., 6

<sup>126</sup> Drug Treatment Options for the Justice System, Congressional Hearing, April 4, 2000, 82

rates and increase recidivism.<sup>127</sup> Since drug court officials wish for high success statistics and are able to select which members to admit, they may be incentivized to admit those most likely to cooperate rather than those who need the most help. Some have suggested, for instance, that diversion courts often work disproportionately with white and middle-class substance abusers.<sup>128</sup> Research also shows that many drug court programs may be discriminatory in that they do not offer support for poor participants who may not have the resources to be successful in drug courts. Single parents, in particular, must coordinate childcare for the time they are in the drug court sessions. Some participants may also face pressures from their employers, being unable to negotiate their schedules around drug court sessions.<sup>129</sup>

These criticisms raise the question of whether these potential drawbacks outweigh the benefits that drug courts bring to participants. While these critiques hold merit and are important to engage with, perhaps they ultimately do not overwhelm the positive impacts that drug courts have for enhancing procedural justice. It is also important to consider the extent to which these criticisms apply to specific drug court programs. In the Discussion section, I will come back to these questions in relation to Support Court.

### *Gaps in the Literature*

While the literature on drug courts and procedural justice is helpful and informative, my paper attempts to build on it and address its gaps. One of the gaps is that while state drug courts were established in the later 1980's and studied extensively in the decades that followed, federal drug courts are a newer phenomenon and have not been studied as rigorously. Further, while state drug courts were seen as an alternative coercive measure to relieve the criminal caseload,

---

<sup>127</sup> The Rebirth of Rehabilitation: Promise and Perils of Drug Courts. Sentencing and Corrections, 2000, 5

<sup>128</sup> Ibid., 5

<sup>129</sup> Shdaimah, 99

federal drug courts emerged in the Obama administration as another stride toward criminal justice reform. Thus, in studying Support Court, the federal drug court in New Haven, I hope to shed light on federal drug courts, their mission, their successes, and their drawbacks. A second gap is that the drug court literature highlights the substantial variation in state and federal drug court structures and procedures. Studying one federal drug court program firsthand and in-depth may help us begin isolating useful components to replicate in drug courts across the country, thus standardizing and improving the current drug court landscape.

### **3. Research Design**

#### ***Research Questions***

In conducting this study and aiming to fill those gaps in the literature, I chose to consider Support Court's potential influence largely through the lens of procedural justice theory. The questions I sought to answer were:

- 1) To what extent does Support Court incorporate procedural justice mechanisms?
  - 1a) In particular, does participation in Support Court as an ex-offender tend to increase trust in the law?
- 2) Does participation in Support Court as a criminal justice official tend to increase compassion towards non-violent drug offenders?

The first of these questions deals directly with elements of procedural justice theory that are concerned with perceptions of criminal justice officials and legal authority. However, the second question steps beyond this theory to consider whether the interaction between criminal justice officials and ex-offenders also influences the officials' perceptions of drug offenders.

#### ***Hypotheses***

In considering my first research question, I explore whether the components of procedural justice theory exist in the Support Court setting. If procedural justice mechanisms

play a role in Support Court, I expect: (a) participants to feel like they are treated more fairly, and (b) participants to feel an obligation to obey the authorities.<sup>130</sup> Thus, I expect that participating in Support Court will correlate with ex-offenders' increased trust in the law.

For the second research question, I expect that participating in Support Court as a criminal justice official will correspond to more compassionate perceptions of non-violent drug offenders. Perhaps the same procedural elements of drug courts that may influence offenders' views of legal authority could also humanize offenders in the eyes of judges and prosecutors. Engaging closely with offenders and hearing about their lives over the course of years may illuminate the different reasons and contexts that cause someone to commit a crime, thus contributing to a more nuanced, less stigmatized view of offenders.

### ***Methodology***

To answer these questions and address these hypotheses, I chose to use personal observations of the Support Court program, as well as interviews with participants and criminal justice officials. In conducting such an observational and ethnographic study, I aim to gain a firsthand understanding of Support Court's structure and function, and to provide insight into how a drug court is experienced by its participants and criminal justice officials. Through interviews, my goal is to give a voice to the experiences of those most involved in our criminal justice system, and those who often lack that input. Further, particularly when investigating procedural justice elements, it is vital to personally experience drug court sessions over an extended period of time, and to include the personal feelings, thoughts, and beliefs of those most directly involved. In doing so, I use this one drug court as an illustrative model for other such

---

<sup>130</sup> Hough et al, 2

programs. While there are certain drawbacks to my approach,<sup>131</sup> it provides an in-depth, rare window into an institution that is very important both to the nation currently, and to the many people caught up in it.

Thus, in conducting my research, I spent over a year observing weekly team planning meetings and Support Court sessions, and then interviewing the ex-offender participants and the criminal justice officials. In order to get a sense for whether Support Court participation correlated with changed perceptions of the law and legal officials, I interviewed both participants who were nearing graduation from the program as well as those who had just begun or those who were observing the program in the hopes of beginning it soon. By including those who were observing or who just began the program, I was hoping to establish a rough baseline for attitudes towards the Support Court program, the law, and legal officials. In total, I conducted eight participant interviews, and four interviews with criminal justice officials. Specifically, of the criminal justice officials, I interviewed the federal judge, the prosecutor, the defense investigator, and one of the probation officers.

I first got involved in Support Court in fall of 2014, when working as a community outreach intern at the U.S. Attorney's Office in New Haven. My supervising attorney mentioned the weekly Support Court sessions to me, and I attended as an observer for roughly a month. In this month, I became fascinated with the program, wondering about its effectiveness and how it may impact those involved. At this point, I decided to make such questions the topic of my senior thesis research. I thus reached out to the judge in charge of Support Court to ask whether I

---

<sup>131</sup> An analysis of these research questions that establishes causality would require a randomized design with control and treatment groups. However, the nature of this study is constrained by its limited population size and potential for selection bias, preventing me from reaching causal conclusions. Instead of striving for causal conclusions, I chose an observational design with correlational conclusions, and I hope my correlational study will also serve as a basis for future causal research. Limitations of my research and suggestions for future causal studies will be elaborated on in my Discussion section.

could observe the team planning meetings that occur before the drug court sessions. I was hoping that in observing these team planning meetings, I could better understand how the criminal justice officials work together, and how they privately approach the participants' struggles with addiction. Once the judge granted me access to these meetings, I began observing both the planning meetings and the Support Court sessions. While sitting at the table in a back room of the courthouse during planning meetings, I would silently take notes on the discussions, without noting any names or other identifying information. During Support Court sessions, I would sit in the pews of the courtroom, or in the chairs near the criminal justice officials, and would note various aspects of the proceedings, the interactions between participants and the judge, the speakers, and any other relevant information.

After observing in this way for a few months, the judge introduced me to the participants as a Yale student interested in examining Support Court for a senior research project, and gave me permission to interview participants. Through this introduction and through my consistent presence in the court, the participants recognized me and became more comfortable around me. The judge and prosecutor recommended a few participants who they thought would be willing to speak to me—those who had been in the program the longest and who had been most successful in it. As I continued observing Support Court team meetings and sessions, I began asking these individuals, one at a time, whether they would be willing to be interviewed about their experience in Support Court and their feelings towards it. I then proceeded to ask as many of the other participants as was possible for permission to interview them, one at a time. I emphasized to each participant that I would not note or include their names, keeping their information anonymous. I also clarified that they could refuse to answer any questions, and that their

participation in my research would be entirely voluntary. Of the participants I asked, none declined an interview with me, and most were enthusiastic about doing so.

Once they agreed, I would meet with the participant outside the courtroom on the hallway benches, once all other participants and officials had left the building, to create as much privacy as possible. All but two interviews were conducted after Support Court sessions in the courtroom hallway for the participants' convenience, since many participants work long hours and find it financially difficult to travel to downtown New Haven. Thus, since participants had already made it to New Haven's courthouse, conducting interviews there limited the financial strain and potential risks of my research. Further, many participants did not have cell phones, so it was easiest to coordinate and follow-up with them following Support Court sessions. The other two interviews were conducted in private settings as well. One occurred before a participants' therapy appointment at the Yale Stress Center, in a private, quiet room, as that was most convenient for the participant's schedule. The other interview occurred in an office of the participant's probation officer, without the probation officer present to ensure privacy, and that was also at the request of the participant.

I experienced certain tensions and difficulties in conducting these interviews with the participants. For one, I felt that interviews held in the courthouse, directly after Support Court sessions, were more rushed than the two that occurred outside of it. Though it was difficult to arrange interviews on days and in settings independent of Support Court, when I did, perhaps participants felt they could be more candid. In order to receive candid responses in the setting I was mostly using, it was important for me to establish a rapport with the participants. I attempted to do so by attending all the Support Court sessions for many consecutive months, introducing myself to participants, and interacting casually with them. However, by also attending all the

team meetings and being friendly with the criminal justice officials, I may have compromised some of that rapport, perhaps appearing somewhat biased to the participants. It was a continuous challenge to balance these tensions.

I eventually began interviewing criminal justice officials too, as I realized that their perspectives on how Support Court tends to influence participants would be helpful. I also sought to see how Support Court participation may affect the criminal justice officials themselves, and particularly, their views of offenders. Thus, I approached the criminal justice officials individually and asked them whether they would be willing to be interviewed for my research. I decided not to interview all team members, but rather only those who were involved in the criminal justice system, since my main goal was to see whether those involved in the criminal justice system might be influenced to change their view of offenders or to conduct their jobs differently. As such, I found the mental health professional's role outside these research goals. I also excluded the defense attorney because he had joined Support Court only a few months prior to these interviews, and because I wanted a balanced number of voices from the defense and prosecution. I chose to interview the defense investigator instead, who works closely with the defense attorney and who was part of the Support Court project since its inception. I also interviewed the judge, prosecutor, and one of the probation officers. None of these four officials declined to participate in an interview with me.

Once they agreed, I emailed them individually to set up the interviews. I conducted interviews with these individuals mostly in their offices, with the exception of the prosecutor, because her office is in Hartford and she was coming to New Haven for Support Court anyway. I met with her in a private room in the New Haven federal courtroom for the thirty minutes prior to that week's Support Court team meeting.



In interviews with ex-offender participants, I asked about basic demographic information, motivations for joining Support Court, perceived advantages and disadvantages of the program, opinions about the program's sanctions, and perceived impact of the program on recidivism generally and their view of the law in particular. (For a full list of my interview questions for participants, see **Appendix I**). These questions were slightly changed when I interviewed observers of Support Court—those individuals who are observing Support Court sessions in order to decide whether to participate in the program. For this group, I did not ask about their change in perceptions of Support Court since joining, and phrased most questions in terms of what they had observed thus far. When asking about the impact of Support Court, I asked observers whether they thought Support Court could affect recidivism, and asked about their current perceptions of and attitudes towards the law. (For a full list of my interview questions for observers, see **Appendix II**). My interviews with participants and observers lasted roughly twenty to thirty minutes, mostly because these individuals would be rushing off to other appointments and obligations.

In interviewing the criminal justice officials in charge of Support Court, I also modified my questions slightly. My interview with these officials consisted of two parts: (1) the impact they think the program has on its participants, and (2) the impact they think the program has on themselves. Specifically, I asked the criminal justice officials about their motivations for working in Support Court and whether that was voluntary, and then asked about what they perceived to be the advantages, disadvantages, and impact of Support Court on the participants. I also asked about their own views about the sanctions within Support Court, and asked how the program has influenced them personally and professionally. I did not ask the criminal justice officials for their demographic information. (For a full list of my interview questions for criminal

justice officials, see **Appendix III**). My interviews with criminal justice officials lasted longer than with participants and observers, as these interviews were held in a more formal setting. Further, these professionals were aware ahead of time that I wished to speak with them, and thus, more formally blocked off time in their schedules for the interviews. These interviews lasted for roughly thirty minutes to an hour.

#### **4. Support Court Background and Observations**

##### ***Background***

“I had become frustrated with the revolving door,”<sup>132</sup> stated the Federal District Judge of Bridgeport, explaining his motivation for bringing the drug court program to Connecticut. He, along with the Federal District Judge of New Haven, had learned about an analogous program in Oregon at the National Federal Judge’s Workshop, and decided to try a pilot program in Bridgeport. After Bridgeport’s one-year pilot program revealed few problems, New Haven began its Support Court program on April 15, 2010. Today, there are three federal drug courts in Connecticut, in its three main cities: Hartford, Bridgeport, and New Haven. The programs are based out of the U.S. Probation Office, and collaborate with the U.S. Attorney’s Office and the federal defender’s office. Their stated mission is “to positively influence participants who struggle with drug and alcohol addiction”<sup>133</sup> (See **Appendix IV**).

New Haven’s Support Court meets weekly, and it requires a minimum involvement of one year. Joining is voluntary but those who wish to join must be admitted by the team. There are eight to sixteen participants in the program at one time, and new members are added

---

<sup>132</sup> Nalpathanchil, "Instead of Jail"

<sup>133</sup> “Support Court Mission Statement.pdf,” accessed April 15, 2016, <http://www.ctd.uscourts.gov/ctp/SupportCourt/Support%20Court%20Mission%20Statement.pdf>.

irregularly. Since the program is an open court proceeding, potential participants are invited to observe for a few weeks to decide whether to commit to the program. The weekly proceedings are held in a courtroom of the Federal District courthouse in New Haven, and are managed by a team of a District judge, an Assistant U.S. Attorney, a Federal Public Defender, a defense investigator, at least two probations officers who supervise participant cases, and a drug treatment counselor from a U.S. Probation Office contract treatment agency. These criminal justice officials hold hour-long team meetings weekly, directly before the hour-long Support Court sessions, in order to plan the sessions and discuss concerns about individual participants.

Within this structure, participants interact directly with the judge and other members of the Support Court team. They are required to participate in court activities and discussions, as well as to journal and to do reflective “homework” assignments. The progress of the participants is individually and closely monitored, through biweekly drug testing and weekly field visits by Probation Officers, as well as through experiences shared weekly in Support Court sessions. The team also circulates a weekly “Support Court Report” for each participant, which includes the treatment provider’s notes, as well as drug testing results and comments from the supervising probation officer (See **Appendix V**). Using such information, team members provide advice and occasionally recommend other rehabilitation services and resources. The team coordination and the ongoing judicial interaction with each participant is designed to detect non-compliance. If the team becomes aware of non-compliance, like in the case of a participant relapsing, the judge imposes individualized sanctions, ranging from a presentation on a recommended book about addiction to a full day in lock-up within the courthouse.

Though in its structure New Haven’s Support Court follows the rehabilitative ideals and basic model of drug courts, its size, points of entrance, and eligibility criteria are unique. Of the

Connecticut Support Courts, New Haven's program is the smallest, at least partially because New Haven has no halfway house which sends participants to the drug court. This smaller group of participants enter the program at one of three points of involvement in the criminal justice system: (1) after prison discharge, (2) after a guilty plea but before sentencing, which requires the sentencing judge's agreement, or (3) post-indictment as a condition of pre-trial diversion, which requires Government agreement. To be eligible to enter the program, participants must not have a history of arson, sex offenses, serious firearm offenses, significant untreated mental health issues, or serious medical issues.

Those who are eligible are must be referred to Support Court by their probation officer, and then admitted by the team. Applicants are primarily referred to the program by their probation officer. In the referral form, the probation officer addresses those eligibility requirements discussed above, answering specific questions about the applicant's criminal and mental health history, as well as signifying any other concerns (See **Appendix VI**). Once applicants are referred, they must observe two Support Court sessions prior to being considered for admission into the program. They are then considered by the entire team of criminal justice officials during a team meeting, and in this holistic review, the team members discuss concerns about the applicant's addiction, motivations, family, criminal history, and anything else that may impede the applicant's success. The team seeks to determine whether the person is motivated and serious about recovery, and whether they would contribute positively to the sessions. Sometimes, the team conducts a short interview with a candidate that they are particularly worried about, to ask the person why they want to join and to determine their commitment to sobriety. Once admitted, participants are given a "Participant Orientation Packet" which describes the program's structure, requirements, and expectations (see **Appendix VII**). The judge then holds an

admissions ceremony in a Support Court session, during which participants are asked to sign an agreement form, which details similar information about the program. The form is also signed by the participant's probation officer and federal defender (see **Appendix VIII**).

The participants ultimately admitted into the program share some telling characteristics. In terms of criminal history, most participants have histories of drugs and drug-related crimes (i.e. possession, distribution) and most have prior offenses in the state system. Along with these similarities, participants have a variety of other prior offenses. These other offenses include domestic abuse (sometimes related to drug use), DUI offenses (also occasionally connected to narcotics), fraud convictions (including embezzlement from employers because of drug habits), weapons, and burglary. A few people have cases that even include deaths. There are also a few individuals who have no prior offenses other than the offense that brought them to Support Court.

The participants share similarities beyond this characterization of their criminal histories. Most (roughly nine out of ten) participants are male. In my time observing Support Court, I have only seen one female participant. The most common racial demographic is Black, followed by Hispanic. I have only seen two White participants in my time observing the program. Most participants also discuss growing up in a low-income family, and bring up childhood and current familial instabilities. Most participants also have a high school education or less, with the exception of one participant who had graduated from law school. Most are also unmarried, and most have multiple children. Participants range widely in age, roughly from early twenties to early sixties.

Of the 134 total people who have participated in Support Court as of January 2015, there have been 34 drop outs. 10 failed to complete the program for a variety of reasons: conflicting

work responsibilities, transportation or lengthy travel problems, supervision period expired, family illness or death. 53 participants have graduated, and 6 have been re-arrested.<sup>134</sup> There is no data for the remaining 31 participants. Preliminary data suggests that the likelihood of recidivism for Support Court participants is lower than for those offenders who did not participate in the program,<sup>135</sup> though further longitudinal research is needed.

### ***Observations***

To attend Support Court sessions, I walk through the winding paths of the New Haven Green, climbing the steps of the ten-columned, white-marble building labeled “United States Post Office and Courthouse”—today, simply the federal district courthouse. After passing through a set of metal detectors, and walking down a wooden-bench lined hallway, I enter courtroom 2.

Upon entering the room, my gaze first lands on the judge’s two-tiered, elevated bench, bounded by the American flag on one side and the Connecticut flag on the other. An engraved seal that reads “US District Court, District of Connecticut” hangs directly behind the judge’s chair. This seal also appears on two television screens that extend from the right and left walls of the room. The courtroom is wood-paneled, with two large chandeliers hanging regally from the high, semi-rounded, white ceiling. These chandeliers are complemented by four circular lights above the judge’s bench and four lights on each side of the ceiling. There is a jury box with two rows of chairs along the left wall, a podium with a microphone in the middle of the room. Staring into the jury box and towards the judge’s bench are three gold-framed portraits of older white men dressed in black robes, presumably past federal judges. Behind a small, hinged, wooden

---

<sup>134</sup> Arterton, Janet. “A Judicial Response to Mass Incarceration: Drug Courts.” Lecture, The Benchers, New Haven, CT, January 22, 2015.

<sup>135</sup> Ibid.

double door, there are two sections of pews, where family members and the public sit during regular trials.

During Support Court sessions, the room can take a few different shapes. Sometimes, two heavy, dark brown, wooden tables are pushed together and stand horizontally in the middle of the courtroom. The judge, the other criminal justice officials, and the participants all sit together around the table in wheeled, cushioned, office armchairs. Other times, all participants and criminal justice officials sit in a circle of chairs, without using the tables. During many other sessions, participants sit in lighter, plastic office chairs in the jury box, while the judge sits on her bench or stands in the middle of the courtroom, and the other criminal justice officials sit in the heavier office chairs by the tables. When there is a guest speaker, the judge, the other criminal justice officials, and the participants all sit in the jury box together, and the speaker stands in front of the jury box or at the podium. I usually sit where the criminal justice officials are sitting, though sometimes I choose to be outside the circle of chairs in my observer role.

This ornate, formal space is beautiful and large, sometimes so large that sounds travel poorly. The buzzing noise in the background, perhaps of air ventilating, makes it even more difficult to hear. The bright light illuminates the participants' faces, and falls on the dull, dark blue carpet. The formality of the space is also reflected in the judge's and criminal justice officials' attire—they always wear business suits and blazers in darker colors. Participants wear a range of outfits, from those who usually wear dress shirts and ties, to those usually in jeans and sweatshirts.

### *(1) Support Court Sessions*

The formality of the setting extends only partially to the interactions between the judge and the participants in Support Court sessions. That formality is perhaps most present during the

admission ceremony, which takes place during a Support Court session. In this ceremony, the Support Court team formally welcomes a new participant by having the defense lawyer explain for a second time the participant's obligations. The long list of obligations includes attendance, honesty, journaling, supervision and screening, and sobriety, with an emphasis on the voluntary nature of the participant's commitment. The judge asks what the participant plans to get out of Support Court and why it will make a difference in his life. She also asks whether the participant has reviewed the orientation packet, and whether he agrees to uphold his responsibilities. If he does, the new participant signs the participant agreement, and receives a journal and a red book of inspirational thoughts. The participant then takes a photograph with the judge, and the rest of the group welcomes the new member with applause. Before having the participant sit down, the judge asks him to tell the group something about himself that they would not know from his bail report. At the end of the session during which a new participant was admitted, the judge sometimes has current participants individually introduce themselves and explain how they have benefited from Support Court. The applause, the photograph with the judge, and the welcome by the group perhaps serves as the first new and positive experience in a courtroom with criminal justice officials, though the formality of the ceremony may retract from that to some extent.

Regular Support Court sessions also follow routines which have elements of formality. At the beginning of each session, the judge goes around from participant to participant following up on their journal entries, and asking how their weeks went. The judge addresses each participant with the title "Mister," followed by the participant's last name, and one by one, the participant stand before the group and discuss problems they have faced this week, and challenges they have overcome. When a participant mentions a common problem of concern, the judge asks the other participants to give any advice that they have and to share their experiences



with this issue. The judge also shares advice she has for the situation. In these interactions, the judge gives personal attention to each individual participant, and relies on the group dynamic to provide support and inspiration. In doing so, she also emphasizes the importance of public presentation, trying to build the participants' public speaking skills, and to encourage them to dress the way they wish to be viewed.

For instance, in one session, a variety of individual concerns were addressed. The judge spoke to one participant about how he was not keeping up with his journaling assignments, and emphasized the importance of these exercises. She asked another participant to explain how journaling helps him. A third participant was having trouble sleeping, and thought his mattress was at fault. Again, the judge asked the group if others have any tips for sleeping better, highlighting how participants learn from and help each other. Yet another participant updated the group on his Thanksgiving dinner with family, which he cooked all by himself. He bought the ingredients using the Stop & Shop gift card that the Support Court team gave to all participants before the holidays. A participant who is in the final phase of Support Court and due to graduate soon, shared that he has a real estate exam later that day. The judge responded encouragingly but also asked him to reflect on how he will keep his focus without Support Court, and which lessons he will take from it. In these interactions, the judge maintains a level of formality while giving each participant her own individualized attention and direction, and providing group encouragement.

In such interactions, and through the journals, the judge often becomes aware of a participant's relapse and responds with personalized sanctions. One participant has had continuous relapses in the last few months, and I have observed the judge's escalating responses. This participant's challenge to stay sober first became apparent to the judge when she stopped

receiving a journal from him. The participant also wears a device on his skin which triggers alerts for alcohol and tampering, and it was sending such alerts in this time period. The participant, however, maintained that he was not tampering with the device and not drinking alcohol. In response to this uncertain situation, the judge issued a mild sanction of not granting him credit for that week of Support Court. Importantly, as she gave this sanction, she explained to the participant the point she was trying to make through this penalty. This same participant admitted to drinking alcohol about a month later, at which point the judge issued a different, more punitive sanction—a one-day lock-up in the court jail, from 9am to 5pm. He stood before the entire group and gave a long speech explaining why he relapsed, how it happened, how he feels about it, and what he could have done better. The judge then explained to him personally, and to everyone in the session, her decision to send him to lock-up. She hoped that once those cold doors close and he cannot leave, cannot go to pick up his children from school, it would remind him of the place to which he doesn't want to return, and keep him on track. In contrast, when a different participant relapsed, the personalized sanction in his case was to read a book about a prisoner who learns to be free, and to present its lessons to the group. This participant shared that the book taught him the extent of his control over his life, and the judge discussed with him different scenarios, asking how he would handle them in the future. Such a range of sanctions points to their personalized nature, and in imposing any sanction within this range, the judge attempts to explain her reasoning to the participants.

While the sanctions are individualized, the journal assignments and projects are consistent for the group. The first journal assignment upon joining Support Court is to write about the worst thing the participant did while using—the judge explains that this is the bottom to which the participant is committing never to return. This journal entry is perhaps the most

personal, and it is sealed so that none of the criminal justice officials read it. Other journal assignments match the particular topic that is being discussed in the Support Court session. For instance, the judge will be discussing nutrition with the participants soon, and in preparation, has asked them to keep a log in their journals of all the food that they consume each day. A more general assignment asked them to reflect on gaps in their support network, to make sure they have people around them who help them stay sober. Near the end of 2015, the judge asked them to reflect on how they had changed since they first began journaling, encouraging them to compare their first few entries to current ones.

Alongside journaling, the judge also assigns projects, some of which are done during the Support Court sessions, and some which participants create at home. In one Support Court session, participants and team members looked through journals and magazines together and made collages of their dream vacation. One participant near me commented that he never thought about dream vacations because he thought they weren't for people like him, but making this collage made him feel that he could dream bigger. During a unit on finances and business, the judge asked participants to make a creative business idea and develop a business plan for it, as well as to create a personal budget for themselves. After a visit to the Yale Art Gallery with the Support Court team, participants were asked to choose a favorite painting and explain why they liked it. The judge then presented each participant with a printed copy of that painting. Other more general assignments ask participants to set small, tangible goals for themselves for the month, like getting a library card or a driver's license. Another goal-oriented assignment has participants find a small object to carry in their pockets to signify their commitment to their recovery.

These projects within Support Court sessions are supplemented and often motivated by trips in the New Haven area, as well as by speakers with varied areas of expertise. Trips have included guided tours of the New Haven public library and the Yale Art Gallery. At the public library, librarians explained the free resources available, particularly for employment, as well as the talks and events that the library hosts. At the art gallery, participants learned about different artworks—for many, this was the first time that they stepped foot in a gallery. A recent trip had participants walk around the neighborhood together looking for signs of spring—participants found a young man in shorts, children playing outside, flowers beginning to bloom. This trip was meant to highlight that paying attention to little details around them can help them create happiness.

The Support Court team works hard to bring in speakers who can help participants with various challenges in their lives. During one session, a Yale neuroscientist spoke about how drugs affect the brain and its pathways. In a different session, the senior director of the Yale Alumni Association and a representative from Chase gave presentations about financial planning strategies. When the judge does a unit on nutrition, she brings in a nutritionist who advises participants on maintaining healthy diets. There are also more informal speakers who choose to share their own experiences with drug addiction. One woman who had recently graduated from Hartford's Support Court told the story of her addiction, how it affected her family life, how she committed to leading a sober life. She spoke candidly and emotionally, and participants were visibly moved by her story. Without being prompted, each participant stood up and thanked her individually, telling her how her story related to their own struggles. From what I have seen, Support Court speakers maintain various degrees of formality and distance from the participants, and thus, have various degrees of success in connecting to them.

One particularly memorable speaker who connected exceptionally well with participants was an improvisation actress who teaches laughter as therapy. After giving some background about the neuroscience of laughter and explaining the four stages of laughter, she asked the Support Court members (both ex-offenders and the criminal justice officials) to participate in a few exercises. The first set of exercises had all participants faking different intensities of laughter until they were actually laughing. At one point, all the participants were physically rolling on the floor laughing hysterically together with the speaker. She also played a few improvisation games with them, asking them to create stories one word at a time and having them speak in sync, as one body. For many participants, this was the first time they laughed in a long time. These activities showed them that they can create joy in their lives, controlling their own happiness rather than relying on drugs to provide that high. They also gained a sense of comradery, improvising together and laughing in unison. This comradery extended not only to the other ex-offenders but also to the criminal justice officials who participated in some of these exercises too. Rather than being lectured at by the speaker, they engaged in activities alongside her and the officials, and perhaps their trust of authority grew as a result. Through this speaker, participants saw that they deserved to laugh just like everyone else, and perhaps for the first time, they experienced the courtroom as a place of joy, laughter, and fun.

Participants also may experience the courtroom as a place of celebration through end-of-the-year parties and graduation ceremonies. The end-of-the-year holiday celebration takes place in the judge's chambers—the judge's private, ornate office to which it is rare to invite ex-offenders. The criminal justice officials organize catered food, and the participants are each asked to bring in a Secret Santa gift that is handmade. Support Court participants sit around the same table as the judge and the criminal justice officials enjoying the food, and everyone

participates in this gift exchange together. The gifts are shared publicly though anonymously.

One memorable gift from this past holiday season was a handwritten letter to the judge, thanking her for giving him a chance, and for making him a better man and a better father. In the letter, the participant explains that before Support Court, he used to think that all judges hated Black people, but now he thinks otherwise. This holiday party is a new, informal way for participants to engage with the criminal justice officials, to share in a celebration with them, to give and receive gifts from them and each other.

Graduation ceremonies are perhaps the most formal and most exciting celebration for Support Court participants. The ceremony takes up the entire Support Court session, and the graduating participant invites their family and friends. The federal judge who sentenced them is also invited, and shares a congratulatory speech. The graduating participant is asked to reflect on his or her time in the program, and thanks the Support Court team. The current participants, the Support Court judge, and the criminal justice officials take turns individually congratulating the graduate and sharing kind words about him or her. The graduate then receives a diploma, and takes photographs with the judges and criminal justice officials. The entire team, participants, and guests then celebrate with catered food. This experience is often the first graduation that the participants experience in decades, and it often fills them with a new sense of pride and accomplishment. They also see their sentencing judge for the first time since being sentenced, yet this judge is celebrating and praising them. The graduation from Support Court may thus uniquely contribute to the alternate relationships that participants have with the criminal justice system and its main actors.

## ***(2) Team Meetings***

Across the hall from courtroom 2 is a small conference room in which team meetings are held. These meetings run for the hour before Support Court sessions each week, and are a chance for all of the team members to gather in one room to coordinate the sessions and discuss their concerns about participants. Team members sit around a large, rectangular wooden table, with the judge at the head. As the leader of the Support Court program, the judge frames the questions and concerns she has about participants, and the plans she envisions for future sessions. The judge's main base of information about the participants' lives is their journals, which she reads before each meeting and references often. Since the other team members interact with the participants outside of Support Court, they each have a unique perspective to contribute to the judge's knowledge. The mental health counselor meets with participants in individual and group therapy sessions, and is able to give clinical advice to the criminal justice officials about the participant's treatment. Probation officers supervise the participants and administer drug tests, so they can update the team on any issues individuals are having with compliance. Defense attorneys and prosecutors usually know the participants' legal matters and criminal histories, and can provide useful insight from those perspectives. Moreover, most team members get to know the participants personally and closely, and bring that attention to the meeting discussions.

Team meetings usually begin with the judge discussing recent and upcoming homework assignments and Support Court session plans, and then turn to a conversation about each individual participant. For instance, in one team meeting that I observed, the judge described an art project that she assigned to participants, in which she had asked them to explain art without using words. The judge asked each team member how they would complete this project, and then, each official mentioned the idea that they would later present along with the participants. This seemed to be an important equalizing factor in the relationship between the team members

and the Support Court participants—they often engage together in activities that the judge assigns. When the discussion turned to individual participants, a variety of concerns were raised and addressed. The judge was worried about the grief and emotional distress one participant was suffering due to a child support issue, and mentioned that he wrote in his journal about his eyes being ‘puffy from crying.’ The judge and the other team members then discussed whether he was able to handle the grief on his own, or whether he could benefit from certain individualized treatment options, like grief counseling or fatherhood groups. The team members then discussed how to best motivate another participant to work towards his GED. His probation officer mentioned that she plans to speak to this participant’s employer about negotiating his work hours to accommodate a GED program. The prosecutor mentioned that in the Hartford Support Court, a team member walked a participant over to the GED program and helped him register. The team also discussed online courses as a possibility. A third participant was having an issue with housing, and his situation made it difficult for him to commute to Support Court. The judge also discussed her desire to engage with another participant about why he relapsed by drinking an alcohol-containing energy drink. The judge thought it was not a deliberate relapse and decided not to give him a sanction, but asked the team to conduct a random urinalysis and to warn him not to use drugs again. Thus, team meetings allow the team members’ unique perspectives to contribute to addressing a range of individual issues that participants are facing.

Team meetings also highlight the extent to which the judge and the criminal justice officials think through the smallest details of the program. For instance, around Thanksgiving, the team decided to give forty-dollar gift cards to each participant to use on anything other than alcohol and drugs. However, a team member brought up the concern that one participant is a Jehovah’s witness, and thus, does not celebrate any holidays. The team discussed whether he



would be offended by a gift card or a holiday celebration, and considered ways to respect his religion while giving these gifts. The judge also brought up that one participant was not formally sworn into the program, and would not be able to receive the gift card until he is admitted. Since this would be after everyone else received a gift card, the judge was concerned this would not be fair. Such considerations highlight the care and deliberation that go into planning a Support Court session.

## **5. Interview Results**

To supplement my observations and to best understand how Support Court is experienced by those involved in the program, I conducted interviews with eight participants, as well as with the judge, prosecutor, probation officer, and defense investigator. Below is a table which provides some demographic information on the participants I interviewed.

<b>Fictional Name<sup>136</sup></b>	<b>Race</b>	<b>Age</b>	<b>Support Court Phase</b>	<b>Highest Level of Education</b>	<b>Family</b>	<b>Other Support Groups</b>
Joseph	White	45	2	Law School	Married; 4 children	Alcoholics Anonymous (AA); Yale Stress Center
Manuel	Non-Black Hispanic	61	4	Seventh grade	Single; 3 children	AA; Multicultural Ambulatory Addiction Services (MAAS)
Christian	Black	29	3	GED	Single; 2 children	Celebrating Sobriety (Church group)
James	Black	45	4	GED	Single; 3 children	MAAS
Brandon	Black	Early 20's	Observer	Eleventh grade	Single; 1 child	MAAS, Moral Reconation Therapy (MRT)
Frank	White	60's	1	High-school graduate; trade schools	Single; 2 children	MRT
Ricardo	Black Hispanic	50's	4	Ninth grade	Single; multiple children	MCCA (Outpatient addiction treatment facility)
Luis	Non-Black Hispanic	50's	4	GED	Single; 4 children	Grant Street Partnership; South Central Rehabilitation Center

### ***Participant Interviews***

My interviews with participants revealed information consistent with my hypotheses around procedural justice elements, as well as uncovered unexpected benefits and drawbacks of the program outside this framework. I will begin by highlighting relevant quotes that respond to my procedural justice hypotheses, namely the perceived unfairness of the traditional criminal justice system, perceived fairness within Support Court, and changed attitudes and behaviors towards the law and criminal justice officials. I will then turn to other consistently mentioned benefits and drawbacks. Finally, I will discuss how participants believe criminal justice officials are being impacted by Support Court.

---

<sup>136</sup> These names are fictional to protect the confidentiality of my interviewees.

Without being prompted specifically, my interviewees mentioned their views of the traditional justice system and how unfairly they had been treated by it. Brandon spoke of the frustrations that he has with the way the traditional criminal justice system treats drug offenders. “Instead of locking them up, they should try to help. We aren’t rapists, or killers— we are people trying to make a quick buck... we need opportunities, programs,” he said. Christian echoed this sentiment: “usually people [are] thrown out into the woods after jail.” Joseph criticized the “huge disconnect” in the criminal justice system, as well as the biased ways in which judges and prosecutors handle cases. “The way your case gets presented by prosecution can be polar opposites depending on your lawyer and if you cooperate or not... facts put before the judge for sentencing depend on your relationship with the prosecution.” These participants highlight the challenges and injustices they personally experienced in the traditional criminal justice system prior to attending Support Court.

In contrast to such unfairness in the traditional criminal justice system, many interviewees commented on the fair, positive treatment they feel that they receive in Support Court. Manuel expressed that “the people who run Support Court are the nicest people that I have come to know in my life...the[se] people so willing to get involved with your personal life, your mistakes, your past, to see you do good.” Other interviewees specifically mentioned the differences between the sanctions within Support Court and sentencing in regular courts, explaining why they experience sanctions as more just. “[The sanctions process is] not like sentencing—she explains why and gives you opportunity to explain why you did what you did...like a mother punishing you,” James commented. Similarly, Christian stated, “if you do slip, you aren’t being punished like how you would be if you weren’t in Support Court getting more time in prison—it’s fair.”

The participants I interviewed further spoke in one collective voice about their increased trust in the law and in criminal justice officials. Many explained that they used to distrust prosecutors and judges, and were surprised to learn that there are people who care about them in the criminal justice system. Through Support Court, many also said they saw that these officials are human, just like them. Each one of the interviewed participants expressed that Support Court has changed their perceptions of criminal justice officials, without any dissenting views. The consistency of these sentiments is illustrative:

*Ricardo, Middle-aged, black Hispanic man, in phase 4:* “At first I thought judges were there to slam a hammer on you, prosecutors there to convict, defenders to defend you. In Support Court, it doesn’t work like that. ...you are constantly seeing prosecutor and judge but they are not there to convict you.”

*Luis, Middle-aged, non-black Hispanic, in phase 4:* “When I first started, I didn’t really trust it at first because they were judges, prosecutors... growing up in streets, I’m not used to seeing judges, prosecutors, probation officers trying to help us. I would only see them lock you up, they didn’t care. Because I didn’t know any of them. By me joining Support Court, it opened my eyes. ...now [I] see that they are just human just like us, just like me.”

*Christian, Young black man, in phase 3:* “It’s just the fact that sometimes people do things because they think people don’t care—when you go through Support Court and realize there are people in the system who do care, it makes you think twice.”

*Joseph, Middle-aged, white man, in phase 2:* “I don’t trust my way of thinking...and I think I trust the judge’s thinking much more than my thinking. Not saying she is always right but a lot more right than I am.”

*Frank, White man over sixty, in phase 1:* “Now I see them as people, not as like with the hammer. As people, compassionate, with a job to do... I get that today, they’re not the bad guys. I was the bad guy.”

*Brandon, Young black man, observer:* “Maybe because you need to connect with an actual judge and get to know them on a personal [level]—just that right there can change how you view the law, prosecutors, judges. [You] know they are people just like us.”

Importantly, these changed attitudes towards the law and towards criminal justice officials were also expressed for some participants as changes in behavior towards the law. For instance, Joseph discussed how he had the hardest time quitting smoking, but that the judge helped him succeed in that. “If she sets it as a goal for me, I am pretty much going to do it, if I can... [I am] accountable to her.” Manuel mentioned that though he “still ha[s] [an] addicts’ behaviors at certain places, certain times,” he is “more conscientious about following the law today.” Some people mentioned how Support Court’s criminal justice officials also help hold participants accountable for their actions, and in this way, change some of their addictive behaviors. Manuel also spoke to me about a recent relapse, and mentioned how embarrassed he was and how he wanted to apologize to the judge. For at least some participants, it seems that the new relationships they create with criminal justice officials make them feel accountable to them, and to the law. Beyond not committing similar crimes again and not returning to drug use, Christian even shared his new desire to work within the criminal justice system. He told me that though he still believes there are “a lot of dirty cops and dirty people out there,” after participating in Support Court, he is now “more open to working with law enforcement to help others from going to jail.”

Along with consistently mentioning these elements of the procedural justice framework, interviewees also mentioned other benefits that Support Court brings. For instance, most participants mentioned the importance of the group dynamic, and the support they receive from the other participants in the program as well as the motivation they get from relating to other people’s challenges. Brandon mentioned that one appealing feature of the program is that if you are “not comfortable talking to friends and family, [you] can open up around strangers.” Joseph stated that it helps him “to see what other people are doing, what they are accomplishing, how

the system has been working for them.” Manuel echoed this sentiment: “I can identify with a lot of the pain, and suffering a lot of people are going through. It’s like looking at the mirror. And when I share my life and my feelings and my strength, I hope they get something out of it.” Sharing in common experiences, and overcoming similar challenges side by side seems to help almost all Support Court participants.

Along with the group dynamic of the participants, the teamwork, and integration of the criminal justice officials was also widely mentioned by interviewees. Joseph who had criticized the traditional criminal justice system for its disconnect, stated that Support Court “takes away a lot of the disconnect [and] puts those agencies all in one room. [You] see people in the criminal justice system working together towards justice.” Ricardo also noted that such an integration of criminal justice actors sets Support Court apart from other support groups. “It matters that these officials are there because they work as a team with judges to help you change your life. You don’t have just one person like you do in [a] regular group – you got so many people working with you.”

Some interviewees suggested that along with the positive group and team dynamics in the program, Support Court instilled in them confidence and positivity that they will take beyond the program. Ricardo stated that through Support Court “you come to find out how smart and knowledgeable you can be... things you can do [that] you never had done before.” Christian agreed, stating that Support Court “helped make me more responsible and more dedicated to completing something... I look at Support Court in a positive way to fuel me.” He explained to me that his decision to enroll in an electrical engineering program was due to this change in positivity and confidence that Support Court nurtured in him. “Support Court taught me not to procrastinate – if I can I can, if I can’t at least I tried. Before Support Court I wouldn’t look at

things like that. If [there was a] chance I couldn't do it, I wouldn't even try." Thus, for some participants, Support Court boosts self-esteem and encourages participants to believe more in themselves.

Interviewees also mentioned the benefits that journaling brings within Support Court. Brandon stated that he saw journaling as the greatest benefit Support Court offers, in that you can "writ[e] [your] thoughts down in the journal, [and] shar[e] them with the group." Joseph mentioned that "journaling helps with focus," and James agreed that the journal "keeps you in tune with what you are doing." For at least some participants, journaling is an important component of Support Court.

Aside from the advantages described above, interviewees also mentioned certain miscellaneous benefits of Support Court which no other interviewee echoed. These include the way the program gives participants structure, the way it helps them improve their health and finances, and the way it teaches them about voting. Manuel spoke extensively about the concrete outcomes Support Court brought him in employment, housing, and education:

"If Support Court wasn't in my life, I think I'd be homeless. After I lost my job in May of this year, I had a run-in with my supervisor...I couldn't find nothing. Got really backed up in my rent. But when Support Court heard about it, they jumped up and said that I wouldn't be homeless. I wasn't eating right and wasn't sleeping because I was so stressed...but they told me not to worry, and that they would help me...and they did. They found some money to pay the back-rent, they set me up with a few agencies that are with me to this day. I will soon be going to a sober house facility, with low percentage to pay out of net income."

Though these miscellaneous comments may only be representative of one participant's experiences in Support Court, they illustrate the kinds of impact this program may have on those in it.

Despite this variety of advantages that interviewees commented on, and the consistency of those mentioned advantages, some also mentioned a variety of drawbacks and their suggestions for improvement. Interestingly, interviewees overwhelmingly denied that the program had any drawbacks when I first posed the question. Manuel even stated that “if it got any better, they’d mess it up.” When I pushed interviewees on this though, some thought harder and came up with a few suggestions. For instance, Brandon disapproved of the use of lock-up as a sanction: “I don’t really agree with it, it’s not going to help anyone.” James raised a range of concerns. He told me that while journaling is helpful, he runs out of things to say and his days are similar. He also expressed his wish that more people “come with job curriculums, schooling” to help participants more concretely in those areas. This same participant then mentioned that he believes a program like Support Court is too “low-scale”, in that “judges don’t have enough time for everybody.” Joseph suggested that Support Court could benefit from “more input from non-judge positions,” and that “when people are out of the program...maybe there [could be] more of a follow-up.” He also suggested increasing transportation options to and from Support Court.

Aside from mentioning certain advantages and disadvantages, a few of the interviewees also mentioned, without me prompting them, how they feel Support Court impacts criminal justice officials. Joseph stated that prosecutors have said that before they “never looked at the defendant as a person” and that Support Court “has affected them.” Christian commented that it “seems like judges, lawyers, prosecutors are seeing that people make bad choices for themselves.” A similar belief was stated by James, who said Support Court “helps prosecutors understand why people do what they do sometimes.” Thus, some participants believe that Support Court also influences the way that criminal justice officials view drug offenders.



### *Interviews with Criminal Justice Officials*

My interviews with the criminal justice officials further confirmed my hypotheses around the procedural justice elements involved in participant attitudes towards the law. These interviews also helped provide an initial look at how criminal justice officials themselves may be influenced by Support Court, both personally and professionally, as suggested above by some participants. I will begin by highlighting relevant quotes that respond to my procedural justice hypotheses and correspond closely to the participants' comments on these same topics. I will then present other advantages and disadvantages highlighted by the criminal justice officials, some of which are similar to those discussed by participants. I will then turn my attention to discussing how criminal justice officials perceive that Support Court is impacting them.

Without being asked directly, the prosecutor offered some information which further illuminates the unfair ways in which the traditional justice system acts towards offenders. For instance, the prosecutor explained that "being a prosecutor, you are trained to focus on legal elements of offenses and whether you can bring a case, but I was never focused on who is the defendant I am prosecuting." Further, the prosecutor mentioned that she has heard offenders discuss their experience in state courts: "Sometimes you hear participants complaining in state court that it has a zoo-like quality and you don't feel like you are heard or that the sentence is fairly imposed because [there is] no understanding of who you are and what you did." While she was describing state courts, she explained that most federal offenders, like the Support Court participants, were involved in the state system prior to being charged federally. Thus, the prosecutor helped elucidate how Support Court's participants may experience the criminal justice system as unfair before joining the drug court program.

A few of the criminal justice officials also mentioned ways in which participants may be experiencing Support Court as a fairer system. For instance, in discussing the sanctions mechanism, the prosecutor stated that “everyone has weighed their behavior, and it’s not just rote or routine. There’s really a determination on whether the consequence is appropriate based on [their] behavior, but those consequences are consistent.” The judge elaborated on how she determined the appropriate sanction for one participant:

“[I] talked to one participant about his relapse, and he purposely pursued finding alcohol outside of people trying to keep him sober, unplugged his alcohol detection device purposefully, and he’s older, and he’s got a criminal history, a younger family—consequences of messing up to him are huge, and he’s had a couple of other relapses, and there’s a lot of denial there... so I locked him up for a day and said ‘look I hope this is the last day you do this’ and I want you to think about this, and when door locks, and you can’t pick up kids from school, I want you to internalize this--- and he understood that...so it was lockup with a different purpose behind it.”

Thus, in these comments, the prosecutor and judge point to the care taken to give an appropriate punishment, the knowledge of the participant’s situation that the officials have, and the ways in which that punishment is discussed with the participant. In these ways, they suggest Support Court may be experienced by participants as fairer than the traditional criminal justice system.

All of the criminal justice officials I interviewed explicitly emphasized how they believe Support Court enhances participants’ respect for the law and trust in criminal justice officials. The consistency of these sentiments, both relative to each other and relative to participant responses, is important and illuminating:

*Judge:* “They are just very surprised in having the judge in courtroom with them in the posture that we are in that has never before happened. Some of them are understandably anxious again in a courtroom with a judge and prosecutor but everyone is on the same side and it’s very surprising, and it teaches. They just don’t view the people in those roles as monolithically as they used to. And I think as well that it reinforces the concept that this system can help and some in the system really are quite committed to doing that.”

*Prosecutor:* “I think you hear them all say they haven’t had a positive experience in a court before Support Court... they develop a little more respect for law because they realize we are doing our job and trying to be as fair-minded as we can.”

*Probation Officer:* “Let’s face it, their first experience with the judicial system is being dragged into court and losing their freedom. We are asking them to return back to same environment where they have no good memories... and want to lend our help to get them through the year successfully. You can see how their cognition and relationship with judicial system really change, like my probation officer cares, the judge cares...it’s absolutely transformative not only for us, but for them”

*Defense Investigator:* “They’ve mentioned...numerous times [that] judges are real people who really care about them and don’t just walk into the court room to be punitive. [They] see a different side to their probation officer who tries to work with them and not just against them/to get them in trouble...Opens up their eyes that there are people in the system who want to help and... give them a second chance.”

Beyond these perceived influences on offenders, criminal justice officials mentioned a range of other benefits that the program may bring. These include basic life skills, such as reflection and self-expression, time management, and sharing in new experiences with others. The probation officer highlighted stability as another benefit, claiming that Support court provides such stability by meeting “every Thursday, same people, same language, same standard, everyone treated the same.” The prosecutor and defense investigator also mentioned the team effort and integration of criminal justice officials, echoing participant statements discussed above. For instance, the prosecutor stated, “Maybe... because [we] bring together various perspectives, therapy, probation, judge, defenders... you get a more balanced view.” The judge also highlighted commonality and the group dynamic as an important advantage, also emphasized extensively by participants above. “It’s contagious, the things that one Support Court participant will say will resonate with another, [there is a] sense of common purpose, and common support that [is] really palpable.”

Despite the range of advantages mentioned by the criminal justice officials, they also highlighted a range of drawbacks and hopes for improvements. The probation officer criticized the amount of judicial discretion in the program, and the lack of judicial training in social work. “Sometimes [the judge] comes up with homework assignments that they aren’t equipped to deal with, like business plans...it’s not practical, so sometimes in our team meetings, we try to steer her away from that... but she is the federal judge and she can do whatever she wants.” The probation officer also mentioned how the judge’s lack of relevant training affects the sanctions that she gives. “Because she doesn’t have treatment or law enforcement background... sometimes I think her sanctions don’t have the teeth, or they aren’t the right kind of sanctions.” The probation officer further highlighted that such conflicts and divergent opinions stem from the different perspectives of the team members. For instance, he argues that “a lot of times a client [is] in recovery but messing up out there and we need to do sanctions, but the defender’s office wants to wrap [their] arms around them.” The defense investigator raised her concern that the model only works for those participants who go in with the right attitude, but that the “incentives might draw people” for the wrong reasons. The judge questioned whether Support Court would benefit from a greater systematization: “like everyone gets the same work readiness, or is it fine to have everyone get some of that?” The judge also stated that she hoped for greater communication and transference of ideas between Connecticut’s Support Courts: “I do think I would learn from participants in other Support Courts.” She also mentioned her concern with the stress that participants face when they have to devote a lot of time to Support Court, along with their jobs and other commitments. “This is not a drawback of the program, it is however a drawback of participants who are employed and work a lot of overtime and have to fit this in... at some point some of them are really stressed about how much they have on their plate.” My

interviews with criminal justice officials revealed a wide variety of disadvantages and suggestions for improvement, supplementing participant responses.

Alongside the perceived advantages, disadvantages, and attitude changes for participants, the interviewed criminal justice officials also highlighted how Support Court influences them personally. For instance, the defense investigator stated that involvement in Support Court “helped me to hit the refresh button and make[s] me feel good about what I do... making a difference in a person’s life.” The probation officer’s comments mirrored this same idea: “It’s transformed me personally too, I’m a lot happier, more approachable, my relationships with my clients have just opened up.” The prosecutor mentioned that beyond such increased personal happiness, Support Court gives her greater awareness of her own addictive habits: “I’ve learned things I can bring home—we all have addictive behaviors, and can confront inner demons and I had life skills to understand... [these are] some of the same issues that you can grow from personally.” For the judge, the personal influence lies more in the inspiration she receives from watching participants overcome deep challenges. “Support Court never ceases to amaze me on the resilience of the human spirit, the depth of feeling and caring of people who maybe haven’t had much, how much of life they’ve lost in their addiction, and how excited they are for the comeback.” Thus, criminal justice officials feel that they are personally and emotionally affected by Support Court in a range of ways.

Criminal justice officials also reflected on how their professional attitudes and behaviors have changed as a result of Support Court. The probation officer reflected on how Support Court showed him the importance of building relationships with his clients, leading him to be more successful in his work. “Drug offenders, respond better in probation officer who is more interested in their personal lives.” The defense investigator commented that she did not feel an

attitude change professionally because she has “been involved on this side of the fence” even before Support Court. In other words, she has been working closely with this population to help defend clients, and thus understood the challenges of addiction and life on the streets. The judge noted that due to Support Court, she “understand[s] in a much more profound way the effects of sentencing, and who [she is] sentencing ... and just my sentencing philosophy and practice has become much more informed, much more just.” Similarly, the prosecutor stated that Support Court “has helped me focus on who is the person I’m prosecuting, taught me so much about psychological and social aspects for what causes people to commit crime and use drugs. It helped me overcome stereotypes in my attitudes.” The prosecutor also discussed how before Support Court she thought mostly about the facts of the case and focused on guaranteeing a longer sentence for the victim’s sake. “Now, I look more than I used to, to whether or not imposing that extra year or two will have a positive impact on the defendant or society.” Thus, the judge and prosecutor were more profoundly affected in terms of their professional decisions.

## **6. Discussion**

### ***Brief Summary of Findings***

The evidence that I found suggests that Support Court is generally beneficial for participants. Consistent with my hypotheses, my findings strongly suggest the importance of alternative interactions with criminal justice officials and the court. My observations and interviews show that Support Court participation seems to give participants greater trust in the law, and also seems to influence how criminal justice officials view offenders. Ultimately, Support Court seems to humanize the criminal justice official to ex-offenders, and vice versa, building unique relationships between them.

My observations and interviews also revealed surprising benefits of Support Court that I had not anticipated. For one, I expected greater pushback and resentment from participants about the sanctions in Support Court, thinking they would actively disagree with punitive measures within a courtroom setting. To my surprise, participants lauded sanctions as an essential and beneficial element of Support Court, explaining that it makes the program seem more serious, and helps them reflect on and learn from their mistakes. Interestingly, some participants mentioned that they expected sanctions in the program, and felt that they must follow the rules of the program that they signed up for. It might be that their previous experiences being incarcerated and receiving punishments from criminal justice officials in courtroom settings created such expectations, and thus, they were not frustrated with the sanctions process but rather treated it as the status quo. Further, many of the interviewees naturally compared the sanctions process to sentencing, without me specifically asking them to do so. This may suggest that sanctions seemed relatively positive to participants, but were not necessarily deemed beneficial in an absolute way. A third possibility is that participants truly value the different way in which punishments are given in Support Court as opposed to sentencing, with the judge personalizing and explaining them. Some of the interviewees explicitly highlighted that the way the punishment is delivered matters to them, and this may be true for those who didn't explicitly mention this as well.

I was also surprised to find that Support Court provides accountability for at least some participants in the decisions that they make. A few participants mentioned in interviews that they felt responsible to the criminal justice officials, with one man even mentioning his desire to apologize to the judge after his relapse. Perhaps, the strong, personal relationships that participants build with criminal justice officials in Support Court lead at least some participants

to not want to disappoint those officials. It may be that participants see that the criminal justice officials truly care about them, and are truly invested in their success and recovery, and thus, feel like they are throwing away the chance given to them and the efforts spent on them. If Support Court and other drug courts do hold their participants accountable for their actions, perhaps, drug courts can indirectly change participants' criminal behaviors long-term, and thus even reduce recidivism.

Given the literature's criticisms and general cynicism about drug courts, I also did not expect Support Court to instill confidence and positivity in its participants. Some participants spoke about how Support Court shows them that they can learn and accomplish a lot more than they ever thought possible, motivating them to pursue opportunities they would have ignored before. After observing many Support Court sessions and hearing some of the challenges many of the participants faced in their upbringing and adolescence, I think it may be that some participants never felt encouraged by others to strive towards their goals. One participant commented in his interview that most people outside Support Court expect him to fail. Perhaps for him and others, Support Court is a rare place in which people expect him to succeed and are willing to help him do so. Further, Support Court projects, trips, and assignments broaden participant's experiences to a world they previously may have thought was not for them, as the judge highlighted in her interview. In taking participants to art galleries, asking them to write their own poetry, and having them create collages of their dream vacations, Support Court may grant them access to a new kind of world and show them the extent of their talents. Such experiences may thus serve to boost their confidence and positivity.

A final surprising element uncovered in my interviews was the helpful nature of journaling. Some participants highlighted how writing in their journals daily helps them stay



focused on their sobriety and keeps them in tune with their thoughts. Perhaps the journal is another method of keeping participants accountable, in that putting things down in writing may make it harder to be in denial about relapses or negativity. In this case though, the journal helps keep them accountable not only to the judge who reads it, but also to themselves. Further, participants may not have had self-awareness and reflection nurtured in them while growing up, and in Support Court, may for the first time develop a stronger relationship with themselves.

### ***Drawbacks & Suggestions for Improvement***

Through my observations and interviews, I discovered a range of concerns in Support Court's structure, and a variety of ways that it can be improved. For one, as the probation officer mentioned in his interview, I have seen how Support Court places almost all decision-making power into the judge's hands, and how such judicial discretion may be subconsciously discriminatory, unjust, and ineffective. While one of the most helpful aspects of Support Court is the personal and individualized relationships it helps create between participants and criminal justice officials, it is also important that a degree of objectivity and standardization be used. This is particularly important in the sanctions process, to make sure biases are not leading to disparately harsh sanctions for different participants. The balance of individualized attention and standardized sanctions may be difficult to strike, but one important step towards such a balance may be the greater incorporation of other team members in the team meetings and Support Court sessions. For instance, with regard to sanctions, it is crucial to receive input from all the team members, and particularly from those with mental health and social work backgrounds. A truer integration of the team's perspectives and expertise could also make Support Court more effective for participants, since certain team members are better trained in drug treatment and counseling.

Another concern I have observed, one also raised by the judge in her interview, is that Support Court's participants may benefit from a greater standardization of direct outcomes, like job placements. From the team planning sessions, it seems that sessions are planned somewhat haphazardly, and that there is little systematization around the schedule. If one of the goals of Support Court is to help participants adjust to life after prison, it would be helpful to have some sessions specifically pair local employers with participants, and bring in other professionals who can provide direct services. Though Support Court is premised on individually addressing concerns as they come up, this approach risks unequally providing direct assistance to participants. Thus, more methodically providing concrete opportunities for all participants and systematically creating a preliminary schedule for the year can be beneficial.

It is also important not to let such objectivity, and standardization to create an alienating distance between participants and officials. From my observations, I have seen that the formality of the atmosphere in certain moments of Support Court sessions as well as the potentially separating nature of assignments may hinder the kind of relationships that participants can build with criminal justice officials. For instance, the judge refers to participants by the title "Mister" and encourages formal dress during sessions. Further, during some sessions, the judge remains on the bench while the participants are in the jury box. The sessions may benefit from a more personal and casual atmosphere, created by referring to participants by their first names, by being able to dress comfortably, and by participants always sitting around one table with the judge and other criminal justice officials. Greater care can also be used to design assignments, and plan trips and speakers, in ways that do not alienate participants. For instance, as the probation officer mentioned in his interview, asking participants to create business plans when they do not have a GED may be damaging rather than merely challenging. It is also true, however, that a title like

“Mister” conveys a sense of status and respect, which is a positive change from the way offenders are treated in our traditional justice system. Further, such trips and assignments may instill confidence in participants and give them access to information and experiences they were once denied. It is important for criminal justice officials in charge of these programs to consider when pushing participants beyond their comfort zones becomes too distancing, and to strive for a balance of granting respect without being condescending. In these ways, Support Court can more truly create an alternate court experience for participants—one that is less alienating, more personal, and more founded on relationships between them and the officials.

A further concern is the accessibility of Support Court to federal offenders, and the potential hurdles to admission, participation, and success. While drug courts must have eligibility requirements like any program, and while I have seen that the admission process is very holistic, perhaps there are difficulties in the program’s set-up which could be improved. For instance, one of questions on the probation referral form asks whether the client “has available childcare, transportation, and other structure in place in order to allow him/her to fulfill the weekly commitment.” (See **Appendix VI**) Not having childcare, transportation, or days off from work could place serious obstacles in the way of federal offenders who would otherwise benefit from Support Court. If funds allow, perhaps Support Court could provide transportation to nearby cities for participants, like on participant suggested in his interview, or help coordinate carpools among participants. Support Court could also provide a free childcare service in the courthouse during the hour of the program, especially since most of the participants have children. The drug court program could also consider developing a more formal process to excuse participants from work on Thursdays. If such mechanisms were in place, perhaps access to Support Court could be more widely available and would create less financial strain, setting it apart from the taxing

traditional court system. However, as one participant pointed out, it would still be a very low-scale intervention and could only include a maximum of sixteen participants. Thus, it would also be beneficial to establish more drug court programs in Connecticut federal courts, both increasing the number of drug courts in the three cities that already have the program and expanding them to other cities.

These concerns and suggestions for improvements somewhat mirror the criticisms of drug courts discussed in my literature review. Like critics have said about drug courts generally, I have seen in my research that Support Court also suffers from limited accessibility, potentially discriminatory program admission, and lack of proper training for officials in charge. Drug court critics have also mentioned concerns with limited due process and judicial overreach, which I also observed to some degree, and think could be improved by integrating the other criminal justice officials to a greater extent. My research was too short in time-scale to observe any net-widening, another common drug court criticism.

One of the main concerns about drug courts though, that they are coercive and punitive, has not surfaced much in my own research. Though the time commitments in Support Court may be a challenge for some, and the program should attempt to alleviate such strains, I have not found that it imposes more serious penalties than a traditional court setting, as some drug court critics claim. On the contrary, my observations and interviews show how positively different sanctions are from traditional court punishments—they are individually tailored, explained to the participant, and much less severe. I have not found evidence that Support Court imposes a larger burden than jail would, as some maintain about drug courts. Further, some criticize drug courts for imposing subtle or indirect pressure on participants to join, but I have not seen that to be the case in Support Court. To the extent of my knowledge, though they join sometimes at the

suggestion of their probation officer, ex-offenders participate voluntarily. The team of criminal justice officials even takes great care to make sure that participants are intrinsically motivated rather than pressured into the program.

An interesting alternative to the drug court model which is arguably less punitive and coercive is diversion programs, in which a person is routed out of the criminal justice system to receive treatment in community-based programs. Such diversion is often used in the case of juvenile offenders, and includes a similar rationale as drug courts do—addressing the high recidivism rates, the large backlog of cases, and the injustices of traditional legal procedures.<sup>137</sup> However, perhaps removing ex-offenders from the criminal justice system entirely would deny them the chance to establish alternative relationships with the law and criminal justice officials, as they are able to do in Support Court. Further, perhaps diversion programs offer too little structure, incentive, and accountability—components participants have valued in Support Court.

The use of Support Court as a criminal justice intervention raises a few important questions about drug courts' emphasis on personal responsibility and their potential ignorance of structural reform. In my observations and interviews, I have noticed that Support Court team members rely heavily on a personal uplift mentality, asking what the program can do to help that particular individual with his or her problems while largely disregarding the social core of those problems. The personal struggles participants are facing are likely rooted, at least in part, in their deteriorating neighborhoods, failing schools, and diminishing employment opportunities. For instance, in one Support Court session described in my observations section, the judge recommended individualized treatment through grief counseling or fatherhood groups upon learning about a participant who was worried about a child support issue, rather than considering

---

<sup>137</sup> Edwin M. Lemert, "Diversion in Juvenile Justice: What Hath Been Wrought," *Journal of Research in Crime and Delinquency* 18, no. 1 (January 1, 1981): 34–46, doi:10.1177/002242788101800103.

the larger issue of financial insecurity. While it is important to focus on personal responsibility in recovering from addiction, there may be costs to overemphasizing individual agency for this population. Drug court officials should consider how to best strike the appropriate balance of individual accountability, and could perhaps consider pairing individual uplift rhetoric with an emphasis on community uplift. Connections between participants and their communities could be fostered more directly, for instance through service projects that would benefit those neighborhoods. Ultimately, while these concerns are important and while these approaches should be tried, addressing the structural reforms needed in these communities is outside the scope of my study and perhaps outside the capacity of the drug court intervention.

When thinking about the broad structural reforms needed in participants' communities and in our criminal justice system, a related question is raised about whether we want to build legitimacy for a system as large and flawed as this one. For instance, is it inherently positive that one of the participants is now interested in working in law enforcement after his experience in Support Court? While this is important to consider, ultimately, drug court programs are not equipped to address how our criminal justice system has become so large and illegitimate. Instead, through broadening the officials' understanding of the role of structural problems in drug addiction and crime, drug courts like Support Court may be able to reform some aspects of the system's illegitimacy.

When evaluating a drug court program like Support Court, it is important to determine whether its benefits outweigh its drawbacks. Ultimately, there is the question of the trade-off between more supervision by criminal justice officials with greater procedural justice outcomes, and less criminal justice involvement with fewer procedural justice benefits. My observations

and interviews point to concrete improvements the program should consider, and highlight that Support Court's benefits considerably surpass its drawbacks.

### ***Limitations***

Though I am confident in the design of my study, it is worth noting some of its potential limitations. For instance, my study may be limited by its small time frame and small population. Support Court was only established in 2010, so it has only had participants for six years. Further, the program is intended to last one year, though it often takes participants longer to complete, meaning that there have only been roughly six sets of participants thus far. At any one time, there are roughly eight to sixteen participants. This participant set is further complicated by new people joining the program sporadically, while others relapse and drop out, or graduate from the program. Both those who drop out and those who graduate successfully most often lose touch with the Support Court program and its officials. Those participants who graduate to later phases of Support Court have lessened obligations, and thus attend the program more infrequently. All of these factors made it difficult to increase my sample size, and to follow up with the same participants in different stages of the program.

Along with being limited by the number of participants and the length of time for which I could observe them, I also faced limits to how representative the observed participants were, due to potential selection bias. In order to be admitted to Support Court, drug offenders must be referred by their probation officer and selected by the team of criminal justice officials. In choosing to be part of this program, Support Court's participants may be more motivated to overcome their drug addictions and lead law-abiding lives than the average drug offender. Further, they may already have developed closer relationships with legal authority and may have an enhanced trust in the law before entering Support Court than drug offenders who do not

choose to apply to the program. Depending on the federal agency involved, the criminal justice officials involved also sometimes volunteer to participate in Support Court, suggesting that they may have certain prior conceptions of drug offenders, and the need for rehabilitation instead of punishment. For both ex-offenders and criminal justice officials who participate in the program, it is difficult to determine whether these are select groups predisposed to “buy into” Support Court’s goals prior to joining, or whether Support Court itself changes their views of the law and drug offenders, respectively.

It is also difficult to determine how representative participant responses were of their actual views—a common limitation of interview-based studies. Particularly, I faced the challenge of measuring attitude change without priming, as well as alleviating any pressure for interviewees to respond a certain way due to the courthouse setting and the sensitive legal circumstances. Though I attempted to phrase my questions carefully, leaving them open-ended, studies have found that the question’s framing can have subtle, unintentional, but very powerful effects on participant responses.<sup>138</sup> Thus, my questions may have prompted participants to subconsciously respond a certain way, and could have contributed to the nature of my results. Though I emphasized that the responses they provide will be anonymous and will not be used in any way in their legal cases or in their Support Court success, participants may have felt pressured to respond in more positive ways about Support Court. It is important to acknowledge the potential power differential between interviewer and interviewee, particularly with a vulnerable population such as ex-offenders. Further, though I conducted interviews in a semi-private space, the setting of most of the interviews—outside the courtroom after Support Court sessions—could have contributed to this pressure. Namely, interviewees may have felt that

---

<sup>138</sup> Donald P. Haider-Markel and Mark R. Joslyn, “Gun Policy, Opinion, Tragedy, and Blame Attribution: The Conditional Influence of Issue Frames,” *The Journal of Politics* 63, no. 2 (2001): 520–43.



criminal justice officials would overhear their responses and thus, may have emphasized positive features of Support Court while feeling reserved about criticisms. Despite these potential concerns, I felt that most participants were speaking genuinely with me about their enthusiasm for the program.

### ***Future Directions***

Some of the limitations of my research can be addressed by future research into drug courts. For one, it would be useful to conduct a large causal study about the effects of drug court participation on ex offenders' trust in the law. Future studies should also compare New Haven's Support Court to other problem-solving courts, to community-based support groups, and to diversion programs. Particularly, it would be helpful to see whether these different programs vary in effectiveness, as measured by recidivism rates, as well as whether they vary in attitude changes towards law. Other future studies should similarly compare all three Connecticut Support Courts, as well as compare New Haven's Support Court to drug courts in other states.

Importantly, my study suggests short-term attitude changes are correlated with Support Court participation, and such shifts are significant in themselves. Drug courts' success may consist in participants' short-term willingness to obey the law and entreat it when they need it, as well as their short-term empowerment to pursue education, employment, improved parenting, etc. Despite this, it would also be helpful to determine whether these short-term attitude shifts persist in the long-term and whether they cause lasting behavioral changes, since such behavioral change towards law obedience and desistance from crime and drugs is the ultimate goal of such programs. Thus, future studies should investigate both short-term and long-term attitude and behavior changes in program participants.

Future studies should also look more deeply into the impact that drug court participation has on criminal justice officials and their views of offenders. Particularly, a future study could

compare the sentencing records of drug court judges to other federal judges not involved in drug courts to see whether there are any differences in average sentence lengths. Also, the study could look at whether federal judges who join a drug court change their sentencing lengths and habits over time. Such an analysis could demonstrate how drug court participation is correlated with sentence length, a potential measure of just outcomes in the criminal justice system. Based on the interview data in my study, which highlights how Support Court officials perceive their attitudes towards offenders to have shifted, I would expect drug court judges to give lower sentences on average than those judges not involved in drug courts.

## **7. Conclusion**

Recently, I ran into Manuel on Chapel Street, and he greeted me with a big smile. Since my interviews, Manuel has successfully graduated from Support Court, though he occasionally comes to the program's sessions. In one team meeting, the prosecutor updated everyone that last she heard, Manuel had just suffered the loss of someone very close to him. Remembering his previous habits, and the ways in which he handled loss and grief before, I had worried that this meant Manuel was homeless again, turning to drugs to "self-medicate" his pain.

Instead, his wrinkles crease into a yet deeper smile. He is doing very well, has moved from the sober house that Support Court team members had set him up in, and is living with a few roommates. He doesn't particularly like one of those roommates, and wants to find a new place of his own soon. He is "trying to walk the straight line," and finds pleasure in new things, like reading, instead of drugs. He still visits the defense investigator from Support Court quite frequently—in fact, she continues to check in and to help him sort out problems with his living arrangements.

Manuel does not represent the way all Support Court participants experience the program—in fact, he may be an outlier. He may have been more aggressive in getting his needs met, may have been more open about the problems he was facing. Yet, engaging with his experience highlights how Support Court can work, under certain conditions. His story may suggest Support Court’s potential to transform a life, not only by providing an alternative relationship to the criminal justice system, but also by establishing deep bonds with criminal justice officials. Perhaps, Manuel’s relationships to team members were so personal and strong that they allowed those officials to see deeper, structural problems in his life. They were then able to respond with direct solutions—with a sober house facility, with money to pay that back-rent, with connections to community agencies. Perhaps, Support Court, and other drug court programs, would be even more transformative if they addressed structural problems with such concrete solutions.

At the core, Manuel’s experience, and those of the other seven men that I interviewed, point to the need for Support Court to continue building deep, personal relationships between criminal justice actors and participants, while removing any alienating aspects of the program. Their stories speak to programs beyond New Haven, as other drug courts and problem-solving courts can benefit from their implications. Further, these stories highlight that drug courts bring a range of perceived benefits to their participants, suggesting that drug court programs should be expanded, based on an improved Support Court model, to other cities in Connecticut and to other states.

In the process of interacting individually with criminal justice officials in Support Court, and benefiting from their responsiveness to his personal hardships, Manuel’s attitudes and behaviors towards the law have been reversed. “I’ve always had a thing about the law—they

against us or me against them. My outlook now against prosecutors, judges, probation offices did a complete 360. I believe it's a job and somebody has to do it and they are qualified and I don't hold nothing back against them."

## Bibliography

- Arterton, Janet. "A Judicial Response to Mass Incarceration: Drug Courts." Lecture, The Benchers, New Haven, CT, January 22, 2015.
- Belenko, Steven. "Research on Drug Courts: A Critical Review." *National Drug Court Institute Review* 1, no. 1 (1998): 1-27.
- "Beyond the Sentence - Understanding Collateral Consequences." *National Institute of Justice*. Accessed April 6, 2016. <http://www.nij.gov/journals/272/pages/collateral-consequences.aspx>.
- Berke, Richard L., "Surging Criminal Cases Jam Federal Court System." *The New York Times*, September 26, 1989, sec. U.S. <http://www.nytimes.com/1989/09/26/us/surging-criminal-cases-jam-federal-court-system.html>.
- Boldt, Richard and Jana Singer, "Juristocracy in the Trenches: Problem-solving Judges and Therapeutic Jurisprudence in Drug Treatment Courts and Unified Family Courts." *Maryland Law Review* 65, no. 1 (2006): 82-99
- Butler, Paul D. "Poor People Lose: Gideon and the Critique of Rights." *The Yale Law Journal* 122, no. 2176 (2013).
- Clear, Todd R. "The Effects of High Imprisonment Rates on Communities." *Crime and Justice* 37.1 (2008).
- Consolidated and Further Continuing Appropriations Act 2015, §§ 113-235 (2014).
- Drug Courts: An Effective Strategy for Communities Facing Methamphetamine, 14;  
Excerpted from "Defining Drug Courts: The Key Components," published by Bureau of Justice Assistance.
- "Drug Courts Receive 'Historic' Level of Federal Funding | Chicago War on Drugs." Accessed April 15, 2016. <http://chicagodrugwar.info/2014/12/drug-courts-receive-historic-level-federal-funding/>.
- Drug Treatment Options for the Justice System, Congressional Hearing, April 4, 2000
- Feeley, Malcolm. *The Process Is the Punishment: Handling Cases in a Lower Criminal Court*. (New York: Russell Sage Foundation, 1979)
- Fellner, Jamie. "An Offer You Can't Refuse: How U.S. Federal Prosecutors Force Drug Defendants to Plead Guilty." *Federal Sentencing Reporter* 26, no. 4 (2014).

- Goldkamp, John S, M. D. White, and J. B. Robinson. "Do Drug Courts Work? Getting inside the Drug Court Black Box." *Journal of Drug Issues* 31.1 (2001): 29
- Gottfredson, Denise C, B. W. Kearley, S. S. Najaka, and C. M. Rocha. "How Drug Treatment Courts Work: An Analysis of Mediators." *Journal of Research in Crime and Delinquency* 44, no.1 (2007).
- Haider-Markel, Donald P., and Mark R. Joslyn. "Gun Policy, Opinion, Tragedy, and Blame Attribution: The Conditional Influence of Issue Frames." *The Journal of Politics* 63, no. 2 (2001): 520–43.
- Hora, Peggy Fulton, William G. Schma, and John T. A. Rosenthal. "Therapeutic Jurisprudence and the Drug Treatment Court Movement: Revolutionizing the Criminal Justice System's Response to Drug Abuse and Crime in America." *Notre Dame Law Review* 74, no. 2 (1999).
- Hough, Mike, J. Jackson, B. Bradford, A. Myhill, and P. Quinton. "Procedural Justice, Trust, and Institutional Legitimacy." *Policing* 4.3 (2010).
- Huddleston III, C. West, Douglas B. Marlowe, and Rachel Casebolt. "A National Report Card On Drug Courts and Other Problem-Solving Court Programs in the United States." (2008)
- Kohler-Hausmann, Isa. "Misdemeanor Justice: Control without Conviction," *American Journal of Sociology* 119, no. 2 (2013)
- Lemert, Edwin M. "Diversion in Juvenile Justice: What Hath Been Wrought." *Journal of Research in Crime and Delinquency* 18, no. 1 (January 1, 1981): 34–46. doi:10.1177/002242788101800103.
- Marlowe, Douglas B. "Research Update on Adult Drug Courts." *National Association of Drug Court Professionals* (2010).
- "Mass Incarceration in the USA," *Amnesty International USA*, accessed April 20, 2016, <http://www.amnestyusa.org/our-work/issues/military-police-and-arms/police-and-human-rights/mass-incarceration-in-the-usa>.
- McIvor, Gill. "Therapeutic Jurisprudence and Procedural Justice in Scottish Drug Courts." *Criminology and Criminal Justice* 9, no.1 (2009).
- Mohdin, Aamna. "Norway Tries a Novel Tactic for Drug Addicts—rehab instead of Jail." *Quartz*. Accessed April 6, 2016. <http://qz.com/617212/norway-tries-a-novel-tactic-for-drug-addicts-rehab-instead-of-jail/>.

- Nalpathanchil, Lucy. "Instead of Jail, Judges Take More Hands-On Role With Addicts in Connecticut." Accessed April 15, 2016. <http://wnpr.org/post/instead-jail-judges-take-more-hands-role-addicts-connecticut>.
- National Institute on Drug Abuse. "Drug Addiction Treatment in the Criminal Justice System," April 27, 2014. <https://www.drugabuse.gov/related-topics/criminal-justice/drug-addiction-treatment-in-criminal-justice-system>.
- National Institute of Justice. "Drug Courts and the Role of Graduated Sanctions," 1998
- Nolan, Manuel L. *Reinventing Justice: The American Drug Court Movement*. Princeton Studies in Cultural Sociology. Princeton, N.J: Princeton University Press, 2001.
- "Recidivism." *National Institute of Justice*. Accessed April 15, 2016. <http://www.nij.gov/topics/corrections/recidivism/pages/welcome.aspx>.
- "Recidivism of Offenders on Federal Community Supervision": A Report Prepared for the Bureau of Justice Statistics and Office of Probation and Pretrial Services, *Abt Associates Inc.*, accessed April 15, 2016, <https://www.ncjrs.gov/pdffiles1/bjs/grants/241018.pdf>.
- Roberts, Dorothy E. "The Social and Moral Cost of Mass Incarceration in African American Communities." *Stanford Law Review* 56, no. 1271 (2004): 1294-5.
- Secret, Mosi. "U.S. Judges Offer Addicts a Way to Avoid Prison - The New York Times." Accessed April 15, 2016. [http://www.nytimes.com/2013/03/02/nyregion/us-judges-offer-addicts-a-way-to-avoid-prison.html?pagewanted=all&\\_r=3](http://www.nytimes.com/2013/03/02/nyregion/us-judges-offer-addicts-a-way-to-avoid-prison.html?pagewanted=all&_r=3).
- Shdaimah, Corey. "Taking a Stand in a Not-so-Perfect World: What's a Critical Supporter of Problem-Solving Courts to Do?" *University of Maryland Law Journal of Race, Religion, Gender & Class* 10, (2010): 89-111.
- Snyder, Danielle. "One Size Does Not Fit All: A Look at the Disproportionate Effects Of Federal Mandatory Minimum Drug Sentences On Racial Minorities And How They Have Contributed To The Degradation Of The Underprivileged African–American Family," *Hamline University's School of Law's Journal of Public Law and Policy* 36, no. 1 (2015).
- "Support Court Mission Statement.pdf." Accessed April 15, 2016. <http://www.ctd.uscourts.gov/ctp/SupportCourt/Support%20Court%20Mission%20Statement.pdf>.
- "The American Drug Panic of the 1980s." Accessed April 15, 2016. <http://www.druglibrary.org/special/goode/drugpanic.htm>.
- "The Rebirth of Rehabilitation: Promise and Perils of Drug Courts." *Sentencing and Corrections*, 2000.

"The Sentencing Project News - Incarceration," accessed April 20, 2016,  
<http://www.sentencingproject.org/template/page.cfm?id=107>.

Tyler, Tom R. "Procedural Justice, Legitimacy, and the Effective Rule of Law." *Crime and Justice* 30 (2003): 298-9. JSTOR. Web. 03 May 2015.

Wales, Heathcote W., Virginia Aldigé Hiday, and Bradley Ray. "Procedural Justice and the Mental Health Court Judge's Role in Reducing Recidivism." *International Journal of Law and Psychiatry* 33.4 (2010): 265-71.



## **Appendix I- Interview Questions for Participants**

- Demographics/Basic info
  - Marital status? Children?
  - Highest level of education?
  - How long have you been enrolled in Support Court? What phase are you on?
  - Are you enrolled in other support groups? If so, which ones?
- Motivation
  - How did you first hear about Support Court?
  - Why did you first come to Support Court? –
  - How did you feel about Support Court when you first started? How do you feel about Support Court now? Has this changed since the time you started the program?
- Sanctions
  - How do you view punishments within structure of Support Court? Are they helpful/beneficial/necessary? Or do they have negative consequences?
- Advantages
  - What is the greatest benefit of Support Court for you? What has it given you?
  - Has Support Court provided you with services or benefits that were not provided to you otherwise, i.e. through probation, non-profit/community organizations, private mental health providers/counselors, religious groups? If so, in what way are Support Court's services/benefits different/ unique?
- Disadvantages/weaknesses
  - What has been the least helpful thing/ biggest drawback of Support Court?
  - How can Support Court, or a program like it, fill in these gaps? What other services do you wish were available, and how could they be provided?
- Impact
  - Do you feel that Support Court can and does prevent recidivism, either personally or on a larger scale?
  - Has Support Court changed the way you view the law? Crime? Prosecutors? Judges? Law enforcement? Justice? If so, how?

## **Appendix II- Interview Questions for Observers**

- Demographics/Basic info
  - Marital status? Children?
  - Highest level of education?
  - Are you enrolled in other support groups? If so, which ones?
- Motivation
  - How did you first hear about Support Court?
  - Why did you first come to observe Support Court? Why do you want to join?
- Sanctions
  - How do you view punishments within structure of Support Court? Are they helpful/beneficial/necessary? Or do they have negative consequences?
- Advantages
  - From what you've seen, what do you think is the greatest benefit of Support Court for you?
  - How might it be different from other support services, i.e. through probation, non-profit/community organizations, private mental health providers/counselors, religious groups?
- Disadvantages/weaknesses
  - From what you've seen so far, what do you think is the least helpful thing/ biggest drawback of Support Court?
- Impact
  - How do you view judges? Criminal justice officials? Court?
  - Do you think Support Court can change the way you view the law? Crime? Prosecutors? Judges? Law enforcement? Justice? If so, how?

### **Appendix III- Interview Questions for Criminal Justice Officials**

- Motivation
  - How long have you been involved with Support Court?
  - How and why did you first become involved in Support Court? Was it your choice, or mandatory?
  - How did you feel about Support Court when you first started? How do you feel about Support Court now? What, if anything, changed since the time you started the program?
- Perceived Advantages
  - What do you think is the greatest benefit of Support Court for participants?
  - How does the services/benefits Support Court provides differ from those services or benefits provided elsewhere, i.e. through probation, non-profit/community organizations, private mental health providers/counselors, religious groups?
- Perceived Disadvantages/Weaknesses
  - What do you think is least helpful/ the biggest drawback of Support Court?
- Sanctions
  - How do you view punishments within structure of Support Court? Are they helpful/beneficial/necessary? Or do they have negative consequences?
- Perceived impact for participants
  - Do you feel that Support Court can and does reduce recidivism?
  - Do you think Support Court changes the way participants view the law/Crime/Prosecutors/judges? Justice? If so, how? (exposure to professionals in criminal justice → impact on how you view law/why to obey it?)
- Program's effect on you
  - How has Support Court affected you, personally and professionally?
  - Have you noticed that it changes the way you view ex-offenders and crime? If so, how/why do you think that is? Do you think you conduct your cases differently because of your role in this program?

## Appendix IV- Support Court Mission Statement



### Support Court Mission Statement

The United States District Court for the District of Connecticut has developed a Support Court Team to positively influence participants who struggle with drug and alcohol addiction. We will connect participants with treatment, employment, educational resources, and pro-social organizations in the community. The Support Court Judge will address participants' behavior through meaningful incentives and timely sanctions. The Team, recognizing the nature of substance addiction, will treat participants with dignity and respect, to promote a rehabilitative atmosphere that empowers participants to lead law abiding lives.

## Appendix V- Support Court Report

<b>USPO Assigned:</b>
<b>USPO Phone #:</b>

<b>Date Started Support Court:</b>	
<b>Estimated Date to Graduate:</b>	
<b>Phase:</b>	<b>Week:</b>

## SUPPORT COURT REPORT

U.S. District Court  
District of Connecticut

First, M.I.) <b>Client Name:</b> _____ (Last, <input type="checkbox"/> <input type="checkbox"/> MF	<b>PACTS #:</b>
<b>Personal Client Phone #:</b>	<b>Client Email:</b>
<b>Supervision</b> <input type="checkbox"/> Supervised Release <input type="checkbox"/> Probation <input type="checkbox"/> Pretrial <b>Status:</b>	
<b>Supervising Judge:</b>	<b>Begin Supervision:</b>

### SUBSTANCE ABUSE TREATMENT

**TREATMENT PROVIDER & PRIMARY COUNSELOR:**

<b>Treatment Type &amp; Schedule:</b>	<input type="checkbox"/> IOP <input type="checkbox"/> Group <input type="checkbox"/> Individual	IOP Schedule: Group Schedule: Individual Schedule:
Attendance: <input type="checkbox"/> No Absences <input type="checkbox"/> Excused Absences <input type="checkbox"/> Unexcused Absences		
Treatment Provider Comments:		

DRUG TESTING		
Date of Last Use / Drug:		
Date	Method (Patch, UA, Alcohol Test)	Results / Client Admit

<b>Prosocial Support Network (Family, friends):</b>
<p align="center"><b>PREVIOUS SUPPORT COURT APPEARANCE</b></p>

DATE OF LAST APPEARANCE:
--------------------------

Incentive at Last Appearance:	<input type="checkbox"/> Yes	<input type="checkbox"/> No
If Incentive given, what was it?		
Sanctions Ordered:		
Goals:		
Homework:		

USPO Comments:
----------------

**Appendix VI- Support Court Referral Form**

**UNITED STATES PROBATION OFFICE  
SUPPORT COURT REFERRAL**

**Candidate Name:**

**Address:**

**Phone:**

**Sex:**

**Age:**

**PACTS#:**

**Supervision:**

**If pretrial, sentencing judge  
has approved Support Court  
participation   \_\_ Yes**

**Sentencing/Supervising Judge:**

**Defense Counsel:**

**Prosecutor:**

**Supervision Start Date:**

**Anticipated End Date:**

**Prior substance-abuse related supervision violations?**

**History of violence (including arson)?**

**Any involvement with firearms?**

**Rape or other sex crime convictions?**

**Active restraining/protective orders?**

**Order not to associate with others?**

**Mental health issues, including suicide/homicidal ideation/attempts?**

**Client has observed Support Court on at least two occasions?**

**Client is aware of the weekly court commitment, and has available childcare, transportation, and other structure in place in order to allow him/her to fulfill the weekly commitment? The probation officer has discussed these issues, and has no reason to believe the client cannot commit fully to the Support Court program requirements?**

**Any issues or areas of concern with this client?**

**Client's current status:**

**\_\_\_ No HS/GED    \_\_\_ HS/GED    \_\_\_ College Degree    \_\_\_ Enrolled in College/Vocational**

**\_\_\_ Driver's License    \_\_\_ Dependent Upon Public Transportation**

**\_\_\_ Dependent Upon  
and Has Vehicle  
Family & Friends**

**USPO's reason for referral:**



## **Appendix VII- Support Court Participant Orientation Packet**

**Revised: 3/8/14**

# **SUPPORT COURT PARTICIPANT ORIENTATION PACKET**

The United States District Court for the District of Connecticut has developed a Support Court Team to provide support and structure to participants who struggle with drug and alcohol addiction to assist them in achieving lifelong sobriety. We will connect participants with treatment, employment, educational resources, and pro-social organizations in the community. The Support Court Judges will address participants' behavior through meaningful incentives and timely sanctions. The Team, recognizing the nature of substance addiction, will treat participants with dignity and respect, to promote a rehabilitative atmosphere that empowers participants to lead law abiding lives.

## SUPPORT COURT – ORIENTATION PACKET TABLE OF CONTENTS

Introduction	1
Program Description	1
Who May Enter, Intake, Orientation, Court Supervision, Courtroom Behavior and Goals	2
Substance Abuse Treatment	4
Probation, Treatment Fees, Constructive Use of Time and Dress Appropriately	5
Participant Fraternization and Drug Testing	6
Incentives, Sanctions and Phase Advancement	7
Expulsion, Unsuccessful Termination and Graduation	8

### WELCOME TO SUPPORT COURT!



We are pleased that you chose to participate in the Support Court. Your commitment begins now. Total participation is vital. We want to assist you in your recovery, encourage you to improve your quality of life.

We intend to assist you in completing a program of effective substance abuse treatment. We use graduated phases to encourage you to succeed. You are not alone. Other people who are in recovery will also assist you in developing a lifestyle that is free from the use of alcohol and other drugs.

This handbook is a guide that contains information that you will need to successfully complete this program. We encourage you to read it and to share it with your family and friends so that they can support you on your road to recovery.

The answers to most of your questions concerning this program are in this orientation packet. If you have any other questions, please do not hesitate to ask your probation officer, treatment counselor or any Support Court Team Member. We wish you every success in this program.

### ***“Support Court Works!”***

Professionally yours,  
The Support Court Team

Stefan R. Underhill, U.S. District Judge  
Janet Bond Arterton, U.S. District Judge  
Vanessa L. Bryant, U.S. District Judge

William Garfinkel, U.S. Magistrate Judge  
Donna Martinez, U.S. Magistrate Judge  
Terence Ward, Federal Defender  
Paul Thomas, Assistant Federal Defender  
Darcey Beausoleil, Investigator, Federal Defender's Office  
Tracy Dayton, Assistant U.S. Attorney  
Deborah Slater, Assistant U.S. Attorney  
Warren Maxwell, Deputy Chief U.S. Probation Officer  
Deborah Palmieri, Supervising U.S. Probation Officer  
Brian Topor, Supervising U.S. Probation Officer  
Joseph Montesi, Supervising U.S. Probation Officer  
Jennifer Amato, Senior U.S. Probation Officer  
Bunita Keyes, U.S. Probation Officer  
Lisa van Sambeck, U.S. Probation Officer  
Jane Cofone, U.S. Probation Officer  
Alicia Catanzarita, U.S. Probation Officer  
Otto Rothi, U.S. Probation Office  
Paul Collette, U.S. Probation Officer  
Maria Diaz Sommer, Paralegal, Federal Defender's Office

## **INTRODUCTION**

The Support Court Team works with people who have substance abuse problems. If you participate in this program, your quality of life may drastically improve. This orientation packet covers information about Support Court. After reading it, you should have a good understanding of what we expect. As a participant, you should follow the instructions given to you by your probation officer, treatment counselor, members of the Assistant Federal Defender's Office, and other team members, including the Judge and consult as needed with representatives of the Federal Defenders' office.

## **PROGRAM DESCRIPTION**

Our Support Court program is a supervised, comprehensive treatment program for substance abusers under federal pretrial and post-conviction supervision. The program combines the efforts of the U.S. District Court, the U.S. Attorney's Office, the Federal Defender's Office, the U.S. Marshals Service, community treatment providers, and community support groups. This voluntary program involves regular court appearances before the Support Court Judge, community supervision, substance abuse treatment counseling, random drug testing, and pro-social community activities, such as attending meetings of Alcoholics Anonymous, Narcotics Anonymous, or other secular or faith-based groups. The program length, determined by each participant's individual progress, will be at least one year. If you are eligible and choose to participate in this program, you must be willing to commit to the entire program. For post-

conviction participants, should you successfully complete the Support Court requirements and conditions, you may be eligible for up to one year off your term of supervision. For pretrial participants, the Court may take your successful participation in Support Court into consideration in your criminal case.

## WHO MAY ENTER SUPPORT COURT?



Support Court is open to participants who are on pretrial release, probation or supervised release and have been identified by a member of the team as individuals who would benefit from the level of treatment and supervision offered through the phases of Support Court.

Persons are not eligible for Support Court participation if they have:

- a history of arson
- on supervision for a sex offense, have a history of a sex offense, or a pending sex offense charge
- significant mental health issues (may be considered if medication compliant)
- serious medical issues
- serious firearm offense
- pending states charges are considered on a case by case basis
- history of felony crime of violence within the last 10 years (Judge may override)

Support Court participants must have:

- a history of substance abuse
- be in need of drug education, substance abuse counseling and drug use monitoring
- been screened using the Texas Christian University drug screening protocol, in addition to a review of the Presentence Report and other documents
- Residency Connecticut **mandatory**
- District of CT Jurisdiction **mandatory**

## THE INTAKE PROCESS

The Support Court team makes sure that all potential participants meet the entrance requirements for the program. Your probation officer discusses with you the program so that you can decide if you would like to volunteer to become a participant. The Federal Defender will review the Support Court Participant's Agreement with you. You are required to view at least one Support Court hearings in progress. A substance abuse screening and a review of information in your pretrial, probation/supervised release file will be completed to determine if you have a substance abuse problem. The Support Court Judge (with input from the Team) makes the final decision concerning program eligibility. Expect to start upon acceptance into the program and signing of the participant agreement. After you are deemed acceptable you will meet with the Federal Defender and sign the participant agreement at the beginning of your first Support Court session, after a brief colloquy by the Support Court Judge.

## SUPPORT COURT ORIENTATION

We want you to know what is expected of you while you participate in this program. Therefore, the following people will be involved in telling you about the program: an attorney, a treatment counselor, a probation officer. All of the paperwork that you need for orientation is contained in this packet. **Please ask questions that will help you to understand. We want you to succeed!**

## COURT SUPERVISION AND COURTROOM BEHAVIOR



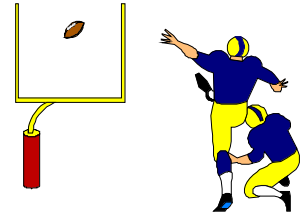
As a Support Court participant, you will be required to appear in Court regularly (see page 8). Missing Support Court hearings may result in termination from the program or failure to advance in the program. At or before each appearance, the Judge will be given a report from the Team concerning your progress, which will include drug testing results, attendance, progress in treatment, supervision comments, etc. The Judge will ask you questions about your progress and discuss any problems you may be experiencing. If you are doing well, you will be encouraged to continue the good work and progress in your sobriety. If there are problems, the Judge may impose sanctions – even short periods in jail.

You must speak directly with the Support Court Judge concerning your progress. You are responsible for your own behavior. Please be on time. Everyone should remain seated and quiet while in Court unless asked to stand and speak. Address the Judge with respect. Participants must remain in Court for the entire hearing unless approved to leave early. Cell phones must be turned off.

## GOALS

Although your treatment counselor and probation officer will work with you to set individualized goals, these goals will apply to nearly every participant.

1. Remain free of alcohol and other drugs by living a drug free lifestyle
2. Develop a law-abiding pattern of living
3. Improve employability through on-the-job-training, vocational training and education
4. Participate in pro-social community activities such as AA and NA
5. Improve social skills
6. Enhance self-esteem and personal motivation
7. Learn relapse warning signs and develop a personal relapse prevention plan
8. Accept responsibility for financial obligations and learn budgeting and financial skills
9. Learn and apply better ways of coping with the problems that life offers
10. Develop and improve time management skills



## **SUBSTANCE ABUSE TREATMENT - CONFIDENTIALITY**

Federal and state law protects your identity and privacy. Because of those laws, policies and procedures have been developed to guard your confidentiality. You will be asked to sign a waiver authorizing the transfer of information among all participating team members and agencies.

In agreeing to participate in the Support Court, you will agree to sign the waiver for the release of information, which will include substance abuse and mental health history and legal and medical information to the Support Court team. The Support Court staff consists of the following individuals or their designated representatives: the Support Court judge, assistant U.S. attorney, assistant Federal Defender, U.S. Probation Officer, and community treatment providers. This information, absent criminal conduct, will not be used for any prosecution but may be considered by the Court in deciding whether you receive a sanction or are terminated from Support Court. The Support Court is open to the public and therefore there may be occasions when the public will hear information relating to your treatment.

## **SUBSTANCE ABUSE TREATMENT – GROUP COUNSELING**

You will be required to attend treatment counseling sessions and education classes that must not be missed unless properly excused in advance or in the event of a true emergency. Treatment groups are a major component of this program. Arrive on time, participate fully and remain until the event is over. Otherwise, you may be counted as absent. Follow all of the treatment provider's "house rules."

The following actions will not be tolerated:

1. Violence or threats of any kind to staff or other participants
2. Use and/or possession of drugs and/or alcohol
3. Belligerent behavior or acts of vandalism to property
4. Possession of any type of weapon

## 5. Sexual harassment

### **SUBSTANCE ABUSE TREATMENT AND SUPPORT GROUPS**

Involvement in twelve-step support groups like Narcotics Anonymous (NA) and Alcoholics Anonymous (AA) or other community-based secular or faith-based organizations are important to your recovery. The Support Court requires you to attend pro-social community activities and to provide written verification that you are doing so. You should get to know the people at these meetings who are recovering from addiction and living a drug-free lifestyle. Developing this support system may be critical to a long-term successful recovery. Your treatment counselor and probation officer will assist you to link up with these groups if necessary.

### **PROBATION SUPERVISION**

Participants must report to Probation as instructed. You must abide by all of the terms of your Support Court participant's agreement. Be prepared to provide a urine sample before or after Support Court meetings in addition to any time you meet with probation or treatment provider. You must notify your probation officer if you are arrested or charged with any new law violation. You must immediately notify Probation and the Court if you change your address. If you are unable to report as required, inform your probation officer concerning your problem. Unless it is a true emergency, you will not likely be excused. Working closely with your probation officer should help you to successfully complete this program.

### **TREATMENT FEES & COURT RELATED FINANCIAL OBLIGATIONS**



Co-payment for treatment is determined on a case-by-case basis. Program participants with court related financial obligations such as child support or restitution are expected to make payments on a regular schedule. You may be required to show proof of payments to your probation officer. If you cannot make a payment, discuss your situation with your probation officer in order to make other arrangements. Failure to make scheduled payments while in this program may delay your progress.

### **CONSTRUCTIVE USE OF TIME, EMPLOYMENT & EDUCATION**

As you advance through the program, you will be required to maintain steady employment, perform community service or participate in school full time. A combination of the two is acceptable also. It is important for you to use your time constructively. Idleness and boredom are not your friends. Probation will verify your employment by visiting you on the job. Inform your employer about your participation in Support Court because you may be required to attend court during work hours. You must inform Probation right away if your employment or educational

status changes. Although we will work with your schedule as much as possible, you cannot miss court, group sessions and appointments due to conflicts with your work schedule.

## **DRESS APPROPRIATELY**

Program participants will be required to wear “appropriate” clothing while participating in the program. Men must wear pants, shirt and shoes. Ladies may wear pants, skirts or dresses of appropriate length with a modest blouse. Women should not wear see through blouses, midriff tops, tube tops, bathing suit tops or halter-tops. No hip hugger pants or low riding pants. Clothing bearing drug or alcohol related themes, promoting, or advertising alcohol or drug use is prohibited. No gang colors or clothing and no gym clothes are permitted. Sunglasses and hats may not be worn inside the courtroom or to any Support Court related meetings. You may be asked to change your clothes if staff notices that you are wearing clothing that is not appropriate. Speak with your probation officer if you have any questions concerning what clothing is appropriate to wear while participating in the program.

## **PARTICIPANT FRATERNIZATION**

Entering into a new intimate relationship within the first year of recovery often results in relapse. For this reason, participant fraternization is not allowed.

## **DRUG TESTING - “A POSITIVE IS A POSITIVE”**

Using prescription drugs and certain over the counter drugs can lead to your relapse. We understand that on rare occasion you may need to take prescription and over the counter drugs. However, you will be required to advise your physician of your prior drug history and Support Court involvement and allow your probation officer to confirm this notification.



In this program, you will be drug tested frequently. Instead of trying to “catch you” when you use alcohol and other drugs, we would prefer to assist you in remaining free of alcohol and other drugs. Even though we strive to use the best testing methods possible, no drug testing system is perfect. This program will only be successful for you if you let it. Do not sabotage yourself by trying to figure out how to “beat the test”.

Failing to provide a urine sample upon request will be counted as a positive drug test. Tampering with a test, using adulterants, and smuggling in another person’s urine will be dealt with in a much more severe manner. Experience has taught us that making exceptions to this policy usually enables addicts to continue to use drugs. We are against that. Your success in this program depends on you holding yourself accountable for your own actions. We want to help you to be honest. You will not likely be “kicked out” of the program because you use drugs. Instead, you will be held accountable while you continue to participate in the program. We are very interested in assisting you to live a drug free lifestyle. We want you to spend your time working on recovery



instead of arguing drug-testing results. Therefore, when a participant tests positive on a drug test, the program's position is **"a positive is a positive."**

## **DRUG TESTING – NO ALCOHOL - ALCOHOL IS A DRUG**

Alcohol is a drug. Do not consume alcohol. You are not permitted to enter an establishment whose primary purpose is to sell or distribute alcohol. It may be smart for you not use tobacco or caffeine also, but they are drugs that program participants may consume legally. You may be subject to breathalyzer testing.

## **DRUG TESTING - YOUR DOCTOR AND PRESCRIPTION DRUGS**



You should follow the medical advice of your doctor. We encourage you to receive medical treatment from a qualified doctor. In fact, one component of recovery is to properly address medical issues and physical ailments. It is a good idea to get a physical examination by your doctor on a regular basis. We do insist that you honestly disclose your substance abuse history to your doctor.

You must register any prescription or over the counter medication with your treatment counselor **before** taking the medication except in a life-threatening situation. In such a case, inform your treatment counselor as soon as possible after taking such medications. You may not be allowed to enter the program if you are using a mood altering prescription drug or one that will test positive on a drug test. You may become eligible for the program if you stop using the medication under the supervision of your doctor, or if your doctor prescribes another medication that is not mood altering and will not test positive on a drug test.

If you **must** briefly take a prescription medication that will test positive on a drug test, your clean day count may be suspended while you are taking the medication. You should not have to take this type of prescription very often. Maintaining sobriety can be hard if you have to take mood-altering drugs, even for a little while. Pain medication can be a big problem. Many prescription drugs are effective, not mood altering, and they will not test positive on a drug test. Most antibiotics fit into this category.

## **INCENTIVES AND SANCTIONS**

We believe that the use of incentives and sanctions will help you to live a law-abiding, drug-free lifestyle. The Team looks for reasons to encourage you to accomplish your goals.

We also use sanctions if necessary, to help you to change your behavior in meaningful ways. Sanctions are intended to help keep some people from going to prison. The use of incentives and sanctions, even incarceration, can motivate you to succeed. If you have any good ideas concerning a good incentive or sanction, please tell us. We may decide to use your suggestion.

If you are required to complete additional treatment requirements like extra groups or residential treatment, we understand that it might feel like a sanction to you. Please know that we do not intend for **“treatment responses”** to be sanctions.

Post conviction Support Court graduates are eligible for up to one year off their supervised release term. Pretrial graduates may be eligible for favorable consideration in their criminal cases.



## **PHASE ADVANCEMENT**

You will be eligible to advance to the next phase of the program once you have completed all requirements of the phase that you are currently in and the Judge, based on the Team’s input, approves your advancement to the next phase.

## **PHASES**

All participants must follow the rules and regulations of the treatment providers and Support Court. Each phase of Support Court requires the participants to be honest with themselves and the Support Court team.

### **Phase I – 2 months**

- Honesty
- Follow the rules and regulation of treatment provider.
- Weekly court appearances
- Field visits at least once per week
- Weekly call-ins
- At least two drug tests a week
- Obtain/apply for state ID
- Apply for state insurance
- Prepare written statement of goals
- 30 days clean time
- Support court program compliant

### **Phase II – 3 months**

- Honesty
- Weekly court appearances
  - At least weekly drug testing
  - Field visits at least once per week
  - Weekly call-ins
  - Employment readiness
  - Education/GED

- 60 days clean time necessary to advance to Phase III.

### **Phase III – 3 months**

- Honesty
- Bi-weekly court appearances.
- At least three urine screens a month
- Bi-weekly field visits
- Biweekly office visits and/or call-ins
- Obtain or maintain employment or community service • Participate in pro-social activities.
- Demonstrate parental responsibility
- 90 days clean time plus full-time employment/education necessary to advance to Phase IV.

### **Phase IV – 4 months**

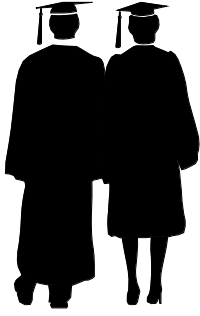
- Honesty
- Once a month court appearances 6/28/2012
- At least bi-weekly drug testing
- Monthly field and office visits
- Maintain employment/training/education
- Maintain pro-social activities
- Develop transition plan for graduating Support Court
- Prepare written life plan
- Minimum of 5 months consecutive clean time prior to graduation

## **EXPULSION/UNSUCCESSFUL TERMINATION FROM SUPPORT COURT**

We would like all participants to remain in the program until they are able to live a law abiding, drug- free lifestyle. Therefore, we do not want to terminate you from the program until we have tried very hard to assist you. If you will not complete the requirements of the program, the Support Court Judge, based on the recommendations of the Team, decides if you will be unsuccessfully terminated from Support Court. Typically, expulsion from the program may occur as a result of repeated failures to participate in treatment, repeated failures to complete all program requirements, numerous positive drug tests, tampering with a drug test or new charges.

Unsuccessful termination from the program will typically result in a return to traditional supervision. Participants must understand that their participation in Support Court does not preclude the sentencing Court from revoking supervised release or pretrial release.

## **GRADUATION**



You will be eligible to graduate from the program upon approval of the Support Court

Judge who will base his decision on your progress and input from the Team. To graduate, you will be required to advance to the program's fourth phase and complete the phase four requirements. You should be able to show how Support Court has positively influenced your life. **Graduates will be honored at a special ceremony.** Your family will be invited to join you as the Judge congratulates you on successfully completing the Support Court Program and achieving your goals. Depending on your

particular case, you may be terminated early from supervision if you are a post-conviction participant. If you are a pretrial participant, the sentencing court may take your Support Court participation into consideration your criminal case.

## Appendix VIII- Support Court Agreement Form

### UNITED STATES DISTRICT COURT DISTRICT OF CONNECTICUT SUPPORT COURT

## PARTICIPANT'S AGREEMENT

Name: \_\_\_\_\_

Offense Charged/Conviction: \_\_\_\_\_

Sentence (if applicable):

Supervision Conditions:

\_\_\_\_\_

### MISSION STATEMENT

The United States District Court for the District of Connecticut has developed a Support Court Team to positively influence participants who struggle with drug and alcohol addiction. We will connect participants with treatment, employment, educational resources, and pro-social organizations in the community. The Support Court Judge will address participants' behavior through meaningful incentives and timely sanctions. The Team, recognizing the nature of substance addiction, will treat participants with dignity and respect, to promote a rehabilitative atmosphere that empowers participants to lead law abiding lives.

### INTRODUCTION

You have been accepted in the Support Court Program. Your participation is entirely voluntary, and there will be no negative consequences if you do not wish to participate.

The program will last *at least* one year. Participants in the program will be under the supervision of a Support Court Program Probation Officer. Participants agree to take part in a drug and alcohol treatment evaluation and in any and all treatment recommended. Participants also agree to submit to drug testing as directed by the Probation Officer or the treatment provider. Participants agree to disclose to any medical practitioner from whom they seek medical treatment that they are a support court participant, have a history of chemical addiction and, unless absolutely medically necessary to treat an illness or

injury, shall not be prescribed medication containing a narcotic or addictive drug. In addition to actively engaging in treatment, compliance with all mandatory, standard, and special conditions will also be required.

Participants will be assigned an attorney from the Federal Defender's Office. This Assistant Federal Defender (AFD) will be a member of the Support Court team and will be permitted to have access to the treatment provider and treatment records. An Assistant U.S. Attorney (AUSA) will also be assigned to the Support Court team. Both the AFD and the AUSA will work with all members of the Support Court team to provide support and encouragement for sustained sobriety and success in the program.

## **LENGTH OF PROGRAM**

Participation in the Support Court Program will be for a minimum of one year. Participants who successfully complete the program will receive a one-year reduction to their term of probation or supervised release. Participants who struggle in treatment but remain dedicated to their recovery and the program, may be given extensions to the program to complete their treatment and still be rewarded with the one-year reduction in supervision.

## **COURT APPEARANCES**

In increments from weekly to monthly, based on the achievement of program and treatment goals, participants will be required to appear before the Support Court Judge and team to evaluate their progress. Every effort will be made to ensure that the time of the appearance does not conflict with employment or treatment programming. The Probation Officer, AFD, AUSA, and a treatment provider representative will be present. Progress reports from the Probation Officer and the treatment provider will be provided to the Court and attorneys. These reports will describe both successes and problems on supervision, treatment-related and otherwise.

## **PRO-SOCIAL COMMUNITY INVOLVEMENT**

Participants may be referred to secular, faith-based, and/or 12 Step pro-social organizations including Alcoholics Anonymous and Narcotics Anonymous. By signing the below agreement, the participant voluntarily agrees to participate in any such program directed by members of the Support Court Team. Support Court participants may also be required to perform community service at anytime including weekends with Support Court Team members.

## **PROGRAM / SUPERVISION VIOLATIONS AND SANCTIONS**

Supervision violations and sanctions will ordinarily be handled on the regularly scheduled Support Court calendar. The Court, however, can schedule an appearance at any time. Additionally, sanctions and modifications regarding treatment may be handled on an expedited basis with consent of the parties. If a Progress Report contains an allegation of noncompliance, a participant may choose to agree that the allegation is true and waive the traditional protections and procedures afforded to those on supervision when accused of violating conditions of probation or supervised release. There will be no hearing on whether the allegation is true. The Support Court Judge will decide whether a program sanction is appropriate. As noted, noncompliance can also be handled outside the presence of the Support Court Judge if all parties agree.

Noncompliant behavior by a participant will result in sanctions. The range of possible sanctions has been drafted broadly to assure that some level of sanction is available for every violation. Factors that will influence the type of sanction employed will include, but are not limited to: the seriousness of the violation, the number of violations, the amount of time in compliance (either before the first violation or between violations), and personal integrity and accountability. An important factor will be whether the violation is voluntarily disclosed by the participant. Dishonesty on the part of a participant will result in enhanced sanctions. Depending on these factors, any of the sanctions listed below, including termination from the Support Court Program, are available. As a general rule, sanctions will be progressive in nature and, with repeat violations, more serious sanctions will be applied.

Sanctions may include, but are not limited to:

- Verbal reprimand
- Increased reporting
- Community service
- Phase evaluation
- Loss of week in phase
- Overnight/day detention (maximum of two days in a row/seven days total)
- Set back a phase
- Termination from Support Court

If appropriate, a particular sanction may be ordered more than once during the course of the program. If there is an admission to the violation, the participant may be able to complete the sanction and remain in the program. The Probation Officer's report at the next court appearance will inform the Support Court Judge whether the participant properly completed the sanction ordered at the last appearance. Failure to complete

ordered sanctions may result in increased sanctions or termination from the Support Court Program.

Participants may contest an allegation of noncompliance. However, the only permissible basis to contest a violation in the Support Court Program is a claim of actual innocence of the alleged conduct. If a contested violation hearing is requested, the AFD will assist the participant in contesting the allegation. The Support Court Judge will ultimately decide whether the allegation is true.

It is important to note that the Probation Officer need not wait until a scheduled court appearance to address problems in supervision. If a participant fails to abide by and adhere to the directions of the Probation Officer, the Probation Officer will contact the participant to address the issue. Minor violations may be dealt with either by the Probation Officer, or by the team, including the Probation Officer, AFD and the AUSA. If a participant commits a major violation, an arrest warrant may be issued and the matter referred back to your sentencing Judge.

## **TERMINATION FROM THE SUPPORT COURT PROGRAM**

Termination from the Support Court Program may occur due to failure to participate in treatment and supervision, including repeated technical violations of general conditions of supervision, failure to attend Court appearances, or a new violation of law. Participants terminated from the program, return to regular supervision status. Participants may face revocation proceedings either before or after termination. Participation in the Support Court Program does not prevent or preclude the sentencing Court from revoking a term of probation or supervised release . If the Probation Office chooses to pursue a formal violation charge, it will be the policy of the Probation Office not to allege as violation conduct actions that occurred during the Support Court Program and were previously addressed. Once a participant is outside of the program, however, the Court presiding over the violation hearing will be advised of all conduct that has taken place during the period of supervision, which will include successes, failures, and sanctions that occurred during the Support Court Program.

For those participants who are pretrial released on bond, participation in the Support Court Program does not prevent or preclude the Court from revoking a participant's bond. If the Probation Office chooses to pursue a formal violation, it will be the policy of the Probation Office not to allege as violation conduct actions that occurred during the Support Court Program and were previously addressed. Once a participant is outside of the program, however, the Court presiding over the violation hearing will be advised of all conduct that has taken place during the period of supervision, which will include successes, failures, and sanctions that occurred during the Support Court Program.



A participant may also voluntarily withdraw from the program and return to traditional supervision status. If the program is discontinued voluntarily, the participant will not face an allegation of violation conduct, unless it is determined that serious violations of supervision have occurred. Voluntary withdrawal from Support Court is not in itself a violation of supervision, participation in the program does not protect the participant from violation proceedings.

## **SUCCESSFUL GRADUATION OF SUPPORT COURT**

### **ONE YEAR REDUCTION IN SUPERVISION TERM**

If you are a post conviction participant, upon successful completion of the Support Court Program, the total term of supervision (probation or supervised release) may be reduced by up to one year. After completing the Support Court Program, most participants will have a period of time remaining on supervised release or probation and will spend the remaining term on traditional supervision status. Full compliance with all conditions will be expected. If there are subsequent violations of supervision, the participant will be subject to revocation proceedings.

If you are a pretrial participant, upon successful completion of the Support Court Program, the sentencing Court may take your Support Court participation into consideration in the resolution of your criminal case.

### **AGREEMENT:**

#### **PARTICIPANT:**

I, \_\_\_\_\_, have read, or have had read to me, this Agreement and the Participant Orientation Packet. I understand the requirements and expectations of me as a participant of the Support Court Program. I voluntarily agree to participate in this program. I understand I may withdraw my voluntary participation at any time and return to traditional supervision.

In agreeing to participate in the Support Court, I voluntarily consent to the release of the following information, knowing that my personal history will be kept confidential and used only for the development, planning and monitoring of my participation in the Support Court. This information is to include my substance abuse and mental health history and legal and medical information. I am aware that the Support Court staff consists of the following individuals or their designated representatives: the Support Court judge, assistant U.S. attorney, assistant Federal Defender, U.S. Probation Officer, and community treatment providers. I understand any such information, absent criminal conduct, shall not be used for any prosecution but may be considered by the Court in deciding whether I receive a sanction or am terminated from Support Court.

**Participant's Signature**

**Date**

**U.S. Probation Officer  
Support Court**

**Date**

**Assistant Federal Defender  
Support Court**

**Date**